

Veterans Benefits

General Qualifications for Non-Service Connected Aid and Attendance

Veteran, Widowed Spouse, and Dependent or Disabled Child (Any May be a Claimant)

- Veteran must have served at least ninety days active duty with one day of the ninety during a qualified war period (ninety days must generally be consecutive, with some exceptions)
- Veteran must have had an other than “Dishonorable” discharge
- Claimant’s physician must declare him/her as in need of assistance from another individual, which may include services offered by Assisted Living
- Claimant should have limited household assets - excluding primary home, car, and personal belongings. If assets are jointly-owned by other than spouse, only the Claimant’s share is generally countable. In the case of a married Veteran, both his/her assets are countable. There is no longer a current asset cap, per se. The VA now considers the Claimant’s life expectancy in determining how much a Claimant can have. In the case of assets over \$50K, it may be best to consult an Elder Law Attorney. One should never transfer assets without proper legal or professional advice.
- Claimant’s household out-of-pocket yearly medical expenses must exceed or come close to his/her total annual household gross income (total yearly cost of Assisted Living is typically considered a medical expense)
- Widowed spouse must have been married to the Veteran for at least one year or have had children by the Veteran if married less than one year and never remarried (with possibly one very rare exception)
- Widowed spouse must have been living with the Veteran at the time of the Veteran’s death, unless the separation was due to medical or military reasons (there may be some exceptions related to separations due to abuse)
- Minor or disabled adult children may qualify for limited benefits on their own

2010 Maximum Pension Rates for Aid and Attendance

Single Veteran	\$1,644.00 Per Month or \$19,736.00 Per Year
Married Veteran	\$1,949.00 Per Month or \$23,396.00 Per Year
Widowed Spouse	\$1,056.00 Per Month or \$12,681.00 Per Year
Veteran Married to Veteran (Both A & A)	\$2,540.00 Per Month or \$30,480.00 Per Year

Once awarded Aid and Attendance or Housebound Status, a Veteran may obtain free medications, medical equipment, incontinence supplies, glasses, and hearing aides from the VA Hospital/Clinic via U.S. Mail. A separate application must be made through the Health Care System.

****Note:** Each VA claim is unique and the above criteria is generic in nature and may not be applicable to each claimant. There are never any guarantees that any claim or specific benefit amount will be awarded.

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Frequently Asked Questions and Answers

Q: Who Can Help Me Fill Out the Forms?

A: Any private individual may assist with completing the forms; however, this individual is allowed to assist **ONLY** one person. A VA accredited agent or a service organization, such as your local State Veterans Office, VFW, or American Legion may help you, as well as a VA accredited attorney.

NO-ONE may charge you for helping you prepare or present the VA application forms, **but you should be sure that the person understands VA.**

Q: What are the Advantages of Having an Attorney Assist Me?

A: An attorney may assist you with much more than just the VA application, such as making sure that all of your assets are in order to help prevent a denial of your claim and with other paperwork that might be needed to help prove your claim. An attorney must be accredited through the VA and as such, can represent you before the VA if your claim is denied or if the award is incorrect.

Q: Must I Already be Living in an Assisted Living Community Before I Apply?

A: No, it is not necessary to be living in assisted living in order to apply for VA benefits; however, if you are in need of personal assistance, the **entire cost** of assisted living helps to qualify you for benefits, but you must be a current resident to submit these expenses as a deduction off income.

Q: How Long Does It Take to Find Out if I Am Eligible?

A: An attorney should be able to give you an idea of your qualification within thirty minutes; however, in order to be absolutely certain that you qualify for benefits, the attorney would need to review all of your financial, personal, military, and medical records.

Q: How Long Does It Take for Me to Get My First Check?

A: Once an application is turned into the VA, it can take anywhere from four to six months on average to get your check if you are approved for benefits. If you have dementia or other memory loss issues, the VA may insist on meeting you and your representative before sending you a check, so your award may be delayed a few additional months.

Q: Does the Money Come to Me or Straight to the Assisted Living Facility?

A: All benefits are paid to the claimant and not to any facility.

Q: Can I Have It Deposited Directly Into My Bank Account?

A: Yes, the VA actually prefers to have all checks directly deposited into a bank account. If you have memory loss issues, the VA will insist on a direct deposit.

Q: Is It Retroactive Back to When I First Applied or Does It Start the Day/Month I Get Approved?

A: Benefits are retroactive from the first day of the **next** month after the VA receives your application **OR** your first notice of intent to file. An attorney can help you preserve this Informal Award Date. In order for the benefits to be retroactive, you must live through the entire month after the VA receives your first Informal Request or application, whichever is received first. In addition: if you are filing an Informal Request, you must be alive when the rest of the application is submitted and you have one year from the date of the Request to get the rest of your application into the VA.