

Help for Needy Elderly Veterans

Most veterans are familiar with the Veteran's Administration (VA) program for service connected disability. However, one of the best kept secrets is the VA program for non-service connected disability pension or "Aid & Attendance" as it is commonly called. Aid & Attendance is a program available to veterans or their dependents regardless of whether the veteran's or dependent's disability was service connected. The program gets its name from the requirement that the veteran or their dependent (includes spouse) must need the "aid and attendance" of another for their care. This program can be a real life saver when the veteran or their dependent is in need of home health care, assisted living, or nursing home care.

To qualify the following requirements must be met:

1. Obviously the applicant must be a wartime veteran (38 USCS section 1521j) or a dependent of a wartime veteran. Basically, the veteran must have served at least one day during wartime and have been discharged under any condition other than dishonorable.
2. The applicant must be determined to be "permanently and totally disabled". Generally, a letter from the applicant's personal physician stating that the applicant has an incapacity that requires care or assistance regularly to protect the applicant from danger in their daily environment.
3. As a general rule of thumb, the net worth of the applicant cannot be in excess of \$80,000. The home and a car are not counted. VA has now adopted a sliding scale for the asset test based on the age of the applicant. The older the applicant, the less assets they may have. There is no "look back" period or transfer penalty as there is with Medicaid programs. However, if the applicant may need Medicaid in the future, remember that any transfer to qualify for aid and attendance may have repercussions in the form of penalty periods for Medicaid. Consult with an elderly law attorney for information about Medicaid.
4. The applicant's income cannot exceed \$1,744 per month. Countable income is all income attributable to the veteran (38 CFR sections 3.262 and 3.27 1). Unreimbursed medical expenses can be deducted from the veteran's income (Manual M21-1, aprt IV, sec 16.3 1b[6][a]).

The maximum pension amount available to the veteran or their dependent is \$1,744 per month. The formula for calculating the pension amount would be the maximum pension rate minus current monthly income plus unreimbursed medical expenses. Aid and attendance payments do not count as income for Medicaid qualification purposes. However, if the applicant is in a nursing home and on Medicaid, by law the pension amount is reduced to \$90 a month.

If you are interested in seeing if you are qualified, contact the Brevard County VA services coordinator at (321).