



THE LAW OFFICES OF
HOYT & BRYAN, LLC
FAMILY WEALTH & LEGACY COUNSELLORS

MARGARET "PEGGY" R. HOYT, J.D., M.B.A., B.C.S. ‡†*
RANDY C. BRYAN, J.D., B.C.S. ‡†
SARAH S. AUMILLER, J.D.

‡ BOARD CERTIFIED IN WILLS, TRUSTS & ESTATES
† BOARD CERTIFIED IN ELDER LAW
*CERTIFIED LEGACY ADVISOR™

Are You or Your Spouse Eligible for Veteran's Benefits?

The U.S. Department of Veterans Affairs (the "VA") has a wide range of benefits available for veterans. Those benefits include outpatient medical treatment, home health services, health insurance and burial benefits. If you are a veteran who suffered a service connected disability and have a high disability rating you typically get your services free, without waiting. You also are probably very familiar with the VA system and aware of the benefits to which you are entitled. On the other hand, if you are a veteran who served in the military for a minimum period of time and did not sustain a service connected injury you might also be eligible for benefits of which you are not aware.

You do not need to have been injured while on active duty to receive monetary benefits from the VA. If you are a veteran 65 years old or older, with a non-service connected disability, you might be eligible for a benefit called "Improved Pension." VA Pension is one of the best benefits veterans and their families can obtain because it is real money that is given to the veteran in order to help pay for home health care, assisted living facility costs, and nursing home care. Improved Pension is a base level income which has two supplemental income levels depending on the person's health care needs. The three different levels of Improved Pension are: (1) Low Income Pension; (2) Pension with Housebound; and (3) Pension with Aid and Attendance. The medical and financial criteria are different at each level.

Eligibility

The veteran must meet the following criteria in order to qualify for Improved Pension (if the veteran is deceased, his or her widow or widower must meet the same criteria based on the veteran's military service record):

- The veteran must have served at least 90 days of active duty (for service prior to 1980);
- Served at least one day of the 90 active duty days during a qualifying war period (as designated by Congress);
- The veteran must have been discharged for some reason other than dishonorable;
- The claimant and the household must have limited income and assets:
 - Income for VA Purposes (IVAP) must be less than the available VA benefit; and
 - Assets must be below VA eligibility limit.
- The claimant must have a permanent and total disability at the time of application (for VA purposes, being 65 years old or older qualifies as disabled).

Benefits

The VA will pay up to a maximum amount per month/year in pension, housebound and Aid and Attendance. The maximum for each level for 2014 is:

Low Income Pension:

Veteran with no dependents = \$1,054 month/\$12,652 year
Veteran with dependent = \$1,381 month/\$16,569 year
Widow or widower of veteran = \$707 month/\$8,485 year
Widow or widower of veteran with dependent = \$926 month/\$11,107 year

Pension with Housebound:

Veteran with no dependents = \$1,288 month/\$15,462 year
Veteran with dependent = \$1,615 month/\$19,380 year
Widow or widower of veteran = \$864 month/\$10,371 year
Widow or widower of veteran with dependent = \$1,082 month/\$12,988 year

Pension with Aid and Attendance:

Veteran with no dependents = \$1,758 month/\$21,107 year
Veteran with dependent = \$2,085 month/\$25,022 year
Widow or widower of veteran = \$1,130 month/\$13,563 year
Widow or widower of veteran with dependent = \$1,348 month/\$16,180 year

The maximum amount of income a veteran and the household can make from all other sources (retirement pensions, annuities, rents, interest on investments, Social Security, etc.) is the same as the maximum amount the VA will pay out. For example, a veteran who is not married, with no dependents, applies for low income pension. The income he or she receives on a monthly basis cannot exceed \$1,054 in order to receive money from the VA. Further, a veteran who is married and applies for pension with aid and attendance, the veteran and his or her spouse, jointly, cannot make more than \$2,085 per month from other sources. If the couple makes more than \$2,085 they will not be eligible for VA pension benefits. If the couple makes less than \$2,085 the VA will pay them an amount to bring their income up to \$2,085.

However, there are permissible deductions that are subtracted from income before income is compared to the maximum limits! VA regulations state the VA is required to take the gross income of the claimant and other household members, and subtract all recurring, non-reimbursed medical expenses of both the veteran and the spouse. Consequently, if, for our couple referenced above, their gross joint income is \$3,000 but the veteran is residing in an assisted living facility with a cost of \$3,500 per month, the couple's un-reimbursed medical expenses exceed their total income. Consequently, they would be eligible for the maximum benefit of \$2,085 per month/\$25,022 per year. The goal is to zero out the income. If the income is not zeroed out, you may still be eligible for a benefit. However, the VA is not going to pay the

maximum benefit. Instead the VA will pay the difference between the excess income after all permissible deductions and the maximum pension limit.

As you can see, you or your spouse may be eligible for VA benefits and not even realize it. For more information on VA benefits, please visit HoytBryan.com or contact the Law Offices of Hoyt & Bryan at (407) 977-8080.

Our next VA workshop will be held on Thursday, November 6, 2014 at 6:00 p.m. Call our office to reserve your seat today.