

**VETERANS PENSION
&
SURVIVORS BENEFITS**

VETERANS PENSION & SURVIVORS PENSION

- ❖ Monthly*, tax-free monetary benefit for low income veterans or their eligible surviving spouse or child(ren)
- ❖ Veteran must meet certain requirements:
 - ❖ Wartime service, length of service, discharge type, & age or medical conditions
- ❖ Cannot exceed net worth limit and countable income limit (update yearly)
- ❖ Three levels:
 - Pension
 - Housebound
 - Aid & Attendance

WARTIME SERVICE, LENGTH OF SERVICE, & DISCHARGE TYPE

ELIGIBLE WARTIME SERVICE DATES

- ❖ **World War II:** 12/7/1941 to 12/31/1946
- ❖ **Korea:** 6/27/1950 to 1/31/1955
- ❖ **Vietnam:** In Vietnam: 11/1/1955 to 5/7/1975 **OR** outside of Vietnam: 8/5/1964 to 5/7/1975
- ❖ **Gulf War:** 8/2/1990 to date TDB by law or presidential proclamation

LENGTH OF SERVICE (with at least 1 day during eligible wartime service date above):

- ❖ Started active duty before 9/8/1980: 90 days
- ❖ Enlisted: Started active duty after 9/7/1980: 24 months or full period activated
- ❖ Officer: Started active duty after 10/16/1981 and didn't previously serve at least 24 months on active duty: 24 months

DISCHARGE

- ❖ Received an Honorable or Under Honorable Conditions discharge

AGE OR MEDICAL REQUIREMENTS

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- ❖ At least one of these must be true:
 - ❖ At least 65 years old, or
 - ❖ Have a permanent and total disability (not service connected) not due to willful misconduct or vicious habits, or
 - ❖ Patient in a nursing home for long-term care because of a disability, or
 - ❖ Getting Social Security Disability Insurance or Supplemental Security Income

SURVIVING SPOUSE

- ❖ Must not be remarried

SURVIVING UNMARRIED CHILD

- ❖ Under age 18
- ❖ Under age 23 and attending VA-approved school
- ❖ Unable to care for self due to disability that happened before age 18

NET WORTH & ASSETS

NET WORTH LIMIT FOR 2022: \$138,489 (\$150,537 for 2023?)

- ❖ Net worth: assets plus one year of income
- ❖ Assets include:
 - ❖ Fair market value of all your real and personal property minus any mortgages or encumbrances you have on property
 - ❖ Real property: land and buildings
 - ❖ Personal property: investments, furniture, boats, etc.
- ❖ Excludes:
 - ❖ Primary residence (only one primary residence per claimant allowed)
 - ❖ Residential lot area that does not exceed 2 acres (87,120 sq. ft), unless additional acreage is not marketable
 - ❖ Personal effects consistent with a reasonable mode of life such as appliances and family transportation vehicle

ASSET TRANSFERS

- ❖ Three-year look back for asset transfers
 - ❖ Assets transferred (selling, conveying, gifting, or exchanging) for less than fair market value in the 3 years prior to submitting an application
 - ❖ If asset(s) would have pushed net worth above the limit, the amount over the net worth limit (Covered Asset) will be subject to a penalty period
 - ❖ Not eligible for pension benefits during penalty period (cannot exceed 5 years)
 - ❖ Example calculation of penalty period:

Net worth limit (2022): \$138,489	Amount
Claimant's total countable assets:	\$120,000
Claimant's annual income:	15,000
Value of transferred asset:	20,000
Total Net Worth	\$155,000

Total Net Worth	\$155,000
Net Worth Limit	138,489
Covered Asset	16,511
Penalty Rate (2022)	2,431
Penalty Period	6 months

COUNTABLE INCOME

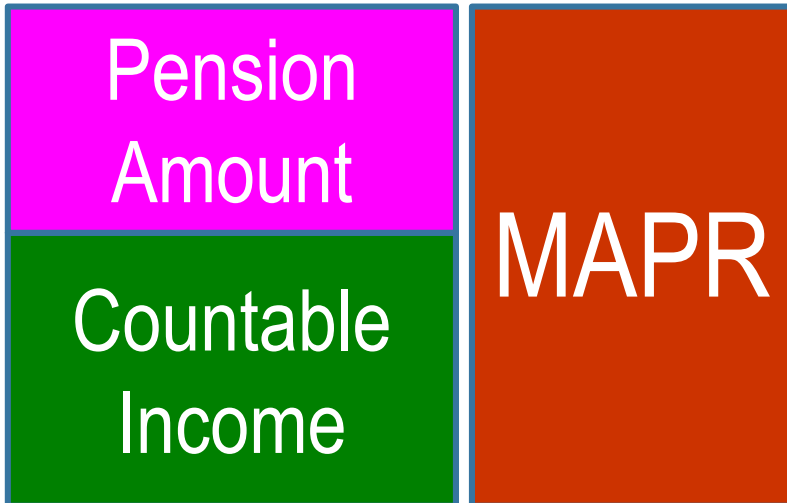
- ❖ Total computed gross income earned from wages, investments, retirement, bonuses, commissions, overtime, tips, businesses, etc.
- ❖ Unreimbursed medical expenses and educational expenses may reduce your countable income (5% of MAPR is excluded from reduction)
 - ❖ Medical premiums
 - ❖ Doctor, hospital, and prescription co-pays & non-prescription medication
 - ❖ Medical supplies or medical equipment
 - ❖ Medically necessary food, vitamins, or supplements as prescribed by provider
 - ❖ Adaptive devices or service animals (not including food, boarding, grooming, or other routine expenses)
 - ❖ Transportation expenses for medical purposes
 - ❖ Certain expenses for nursing homes, assisted living facilities, in-home care

COUNTABLE INCOME

- ❖ **Countable income** falls below the **Maximum Annual Pension Rate (MAPR)** for specific situation: **pension amount** is difference between the two (divided by 12 & rounded to whole dollar to determine monthly amount)



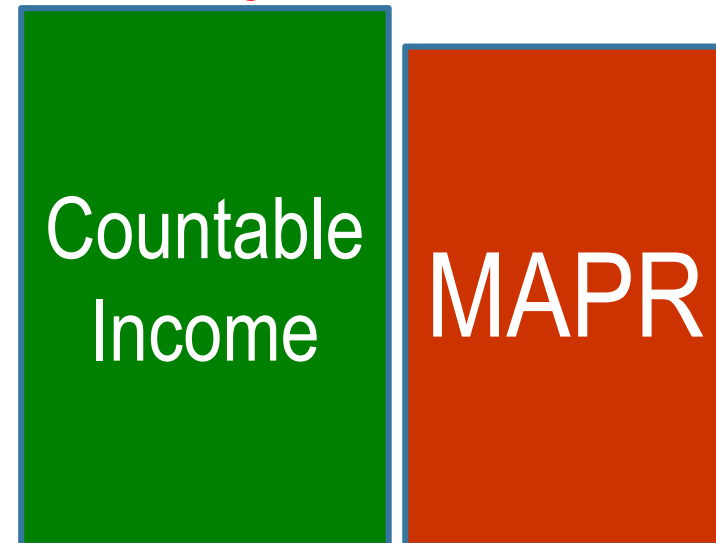
Possibly Eligible for Pension



- ❖ **Countable income** is above the **MAPR**: not eligible for pension



Not Eligible for Pension



EXAMPLE OF PENSION FOR VETERAN AND SPOUSE

Income Source	Amount
Social Security (V)	\$16,800
Pension (V)	2,000
Social Security (S)	9,600
Total Annual Income	\$28,400

Medical Expenses	Amount
Medicare Part B (V & S)	\$4,082
Medicare Supp (V & S)	5,430
Medicare Part D (V & S)	1,230
Other med. exp. (V & S)	3,000
Total Medical Expenses	\$13,742
Excluded (5% of MAPR)	\$966

	Total Annual Income	\$28,400
(minus)	Unreimbursed Medical Expenses*	12,776
(equals)	Annual Countable Income	\$15,624

* 5% of MAPR is excluded

	MAPR	\$19,320
(minus)	Annual Countable Income	\$15,624
(equals)	Annual Pension Amount	\$3,696
	Monthly Pension Amount	\$308

MAXIMUM ANNUAL PERCENTAGE RATES – (PENSION 2022)

Veteran	Annual Amount	Monthly Amount
No dependents	\$14,753	\$1,229
1 dependent spouse or child	\$19,320	\$1,610
Additional child (add to appropriate MAPR)	\$2,523	\$210

Surviving Spouse	Annual Amount	Monthly Amount
No dependents	\$9,896	\$824
1 dependent child	\$12,951	\$1,079
For each additional child	\$2,523	\$210

Surviving Child	\$2,523	\$210
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HOUSEBOUND

- ❖ Must be eligible for VA Pension, and
- ❖ Spend most of your time in your home because of a permanent disability

Veteran	Annual Amount	Monthly Amount
No dependents	\$18,029	\$1,502
1 dependent spouse or child	\$22,596	\$1,883
Additional child (add to appropriate MAPR)	\$2,523	\$210

Surviving Spouse	Annual Amount	Monthly Amount
No dependents	\$12,094	\$1,007
1 dependent child	\$15,144	\$1,262
For each additional child	\$2,523	\$210

AID & ATTENDANCE (A&A)

- ❖ Must be eligible for VA Pension, and
- ❖ Need another person to help you perform at least 2 activities of daily living (ADLs)
 - ❖ Bathing
 - ❖ Eating
 - ❖ Dressing
 - ❖ Toileting
 - ❖ Ambulating within home or living area
 - ❖ Transferring (individual moving him/herself from one position to another such as getting out of bed)
- ❖ Need to stay in bed most of the day because of illness
- ❖ Require regular supervision because it is unsafe to be left alone due to mental disorder
- ❖ In a nursing home due to loss of mental or physical abilities related to a disability
- ❖ Eyesight is limited to 5/200 or less in both eyes (even with glasses or contacts) or concentric contraction of visual field to 5° or less

MAXIMUM ANNUAL PERCENTAGE RATES – (A&A 2022)

Veteran	Annual Amount	Monthly Amount
No dependents	\$24,610	\$2,050
1 dependent spouse or child	\$29,175	\$2,431
Additional child (add to appropriate MAPR)	\$2,523	\$210

Surviving Spouse	Annual Amount	Monthly Amount
No dependents	\$15,816	\$1,318
1 dependent child	\$18,867	\$1,572
For each additional child	\$2,523	\$210

VETERANS PENSION

Reminder:

- ❖ Veteran cannot receive both Disability Compensation and Pension (or Housebound or A&A).
- ❖ VA will pay the higher of the two if eligible for both

REQUIRED FORMS

- ❖ Veteran Pension: VA Form 21P-527EZ
- ❖ Survivor Pension: VA Form 21P-534EZ
- ❖ Income & Asset Statement: 21P-0969
- ❖ Housebound or A&A Examination: VA Form 21-2680
- ❖ Nursing Home Certification: VA Form 21-0778
- ❖ Medical Expense Report: VA Form 21P-8416

- ❖ Veterans discharge paperwork (DD214)
- ❖ Marriage certificate (if married or surviving spouse)
- ❖ Birth certificate(s) if claiming children or claimant is child(ren)

MAXIMUM ANNUAL PERCENTAGE RATES – (2022)

Veteran	Pension	Housebound	A&A
No dependents	\$14,753	\$18,029	\$24,610
1 dependent spouse or child	\$19,320	\$22,596	\$29,175
Additional child (add to appropriate MAPR)			\$2,523

Surviving Spouse	Pension	Housebound	A&A
No dependents	\$9,896	\$12,094	\$15,816
1 dependent child	\$12,951	\$15,144	\$18,867
For each additional child			\$2,523

MAXIMUM ANNUAL PERCENTAGE RATES – TWO VETERANS (2022)

2 Veterans Married to Each Other	MAPR
Neither of you qualifies for Housebound or Aid and Attendance benefits	\$19,320
One of you qualifies for Housebound benefits	\$22,596
Both of you qualify for Housebound benefits	\$25,870
One of you qualifies for Aid and Attendance benefits	\$29,175
One of you qualifies for Housebound benefits and one of you qualifies for Aid and Attendance benefits	\$32,443
Both of you qualify for Aid and Attendance benefits	\$39,036

DEPENDENCY & INDEMNITY COMPENSATION (DIC)

- ❖ Monthly, tax-free monetary benefit for:
 - ❖ Surviving spouse
 - ❖ Surviving child
 - ❖ Surviving parent
- ❖ Veteran must have met certain requirements either prior to ~ or after ~ death

ELIGIBILITY OF VETERAN (OR SM) FOR SPOUSE OR CHILD

- ❖ Service member died while on active duty, active duty for training, or inactive-duty training, **or**
- ❖ Veteran died from a service-connected illness or injury, **or**
- ❖ Veteran was rated 100% totally disabled (unable to work):
 - ❖ At least 10 years prior to death, **or**
 - ❖ Since release from active duty and at least 5 years immediately before death, **or**
 - ❖ At least 1 year before death if former POW who died after 9/30/1999

SURVIVING SPOUSE ELIGIBILITY

- ❖ Spouse and veteran must have lived together without break until death or separation was not the spouse's fault **and**
- ❖ Spouse married the veteran/service member within 15 years of discharge from period of service during which the qualifying illness or injury started or got worse, **or**
- ❖ Spouse was married to the veteran or service member for at least 1 year, **or**
- ❖ Spouse had a child with the veteran or service member
- ❖ If remarried, spouse can continue to receive DIC if:
 - ❖ Spouse remarried on or after 12/16/2003 and was 57 or older at time of remarriage, **or**
 - ❖ Spouse remarried on or after 1/5/2021 and was 55 years or older at time of remarriage

SURVIVING CHILD ELIGIBILITY

- ❖ Not married, **and**
- ❖ Not included on surviving spouse's DIC, **and**
- ❖ Under age 18 or under age 23 if attending school
- ❖ If adopted out of veteran's/service member's family, but meet all other criteria, still qualified for DIC

SURVIVING PARENT ELIGIBILITY

- ❖ Service member died from injury or illness while on active duty or in the line of duty while on active duty for training, **or**
- ❖ Service member died from injury or certain illnesses in the line of duty while on in active training, **or**
- ❖ Veteran died from a service-connected illness or injury

AND

- ❖ Biological, adoptive, or foster* parent of veteran or service member, **and**
- ❖ Income is below certain amount

* Foster parent: someone who served in the role of a parent to the Veteran or service member before their last entry into active service.

DIC RATES FOR SURVIVING SPOUSE (2022)

Veteran died on or after 1/1/1993	\$1,437.66 per month	
If this description is true:	May qualify for	Added amount
<ul style="list-style-type: none">■ The Veteran had a VA disability rating of totally disabling (including for IU) for at least the 8 full years leading up to their death, and■ Spouse was married to the veteran for those same 8 years	8-year provision	\$305.28
Spouse has a disability and needs help with regular ADLs	Aid & Attendance	\$356.16
Spouse can't leave house due to disability	Housebound	\$166.85

- ❖ If veteran died before 1/1/1993, DIC rates are based on veteran's pay grade but not less than \$1,437.66

DIC RATES FOR SURVIVING CHILD (2022)

Surviving dependent child when veteran has no surviving spouse	\$607.02
Surviving unmarried adult child when veteran's surviving spouse also eligible for DIC (paid separately to child in addition to surviving spouse's DIC):	
Child between 18 and 23 in a qualified school program	\$301.74
Child unable to care for self due to disability that happened before age 18	\$607.02

Rate for surviving eligible child(ren) of veteran when veteran's spouse does not qualify for DIC is based on number of eligible children.

SPB/DIC OFFSET

- ❖ Veteran was retired military and enrolled in Survivors Benefit Plan (SBP):
 - ❖ Surviving spouse not eligible to receive both DIC and SBP in full
 - ❖ Being phased out:
 - ❖ On 1/1/2021: SBP reduced by no more than 2/3 of DIC
 - ❖ On 1/1/2022: SBP reduced by no more than 1/3 of DIC
 - ❖ On 1/1/2023: Offset is eliminated and spouse can receive both SBP and DIC in full

NEW LAWS

- ❖ Veteran died from a disease that was not presumptive prior to death
 - ❖ Surviving spouse/child/parent may be eligible for DIC as long as the presumptive condition is shown on death certificate as contributing to veteran's death
- ❖ Examples:
 - ❖ Veteran served in one of the locations presumed to have exposure to Agent Orange and died from bladder cancer prior to this condition being added as a presumptive condition in the National Defense Authorization Act of 2021.
 - ❖ Veteran served onboard Navy or Coast Guard ship off the coast of Vietnam and died from an Agent Orange presumptive condition prior to Blue Water Navy Law passed in 2020.
 - ❖ Veteran served at Camp Lejeune between Aug 1953 and Dec 1987 and died from a presumptive condition prior to Camp Lejeune presumptive conditions were added in 2017.
 - ❖ Veteran served in Thailand between 1/9/1962 and 6/30/1976 and died from an Agent Orange presumptive condition prior to PACT Act was passed in August 2022.

REQUIRED FORMS

- ❖ Surviving Spouse (service-member died on active duty): VA Form 21P-534a
- ❖ Surviving Spouse of veteran: VA Form 21P-534EZ
- ❖ Surviving Parent: VA Form 21P-535

- ❖ Veteran's death certificate
- ❖ Veteran/spouse's marriage certificate
- ❖ Birth certificate(s) for minor children
- ❖ Medical records (if veteran is not already service-connected for condition(s) that resulted in death)

ADDITIONAL BENEFITS

- ❖ Veteran/service member died from a service-connected condition:
 - ❖ Surviving spouse eligible for state annuity of \$2,000 (paid in \$1,000 increments in February and August)
 - ❖ Surviving spouse eligible for 100% exemption of property taxes for primary residence
 - ❖ If veteran's death not SC, surviving spouse continues with veteran's exemption based on veteran's disability rating prior to death
 - ❖ Surviving spouse or surviving child eligible for Chapter 35 education benefits
 - ❖ Surviving spouse and/or surviving child may be eligible for CHAMPVA
 - ❖ Certificate of Eligibility for a VA-backed home loan

RESOURCES (PENSION)

- ❖ Veterans Pension: www.va.gov/pension
- ❖ Veterans Pension Rates: www.va.gov/pension/veterans-pension-rates
- ❖ Survivors Pension: www.va.gov/pension/survivors-pension
- ❖ Survivors Pension Rates: www.va.gov/pension/survivors-pension-rates
- ❖ Pension Eligibility:
www.ecfr.gov/current/title-38/chapter-I/part-3/subpart-A/subject-group-ECFRf5fe31f49d4f511/section-3.3

RESOURCES (PENSION)

❖ Assets:

www.ecfr.gov/current/title-38/chapter-I/part-3/subpart-A/subject-group-ECFR093085c1bf84bc2/section-3.275

❖ Asset Transfers: www.ecfr.gov/current/title-38/chapter-I/part-3#3.276

❖ Computed Income: www.ecfr.gov/current/title-38/chapter-I/part-3#3.271

❖ Medical Expenses:

www.ecfr.gov/current/title-38/chapter-I/part-3/subpart-A/subject-group-ECFR093085c1bf84bc2/section-3.278

❖ Housebound and Aid & Attendance:

www.va.gov/pension/aid-attendance-housebound

RESOURCES (DIC)

- ❖ Dependency & Indemnity Compensation: www.va.gov/disability/dependency-indemnity-compensation
- ❖ DIC Rates for Spouses & Dependents: www.va.gov/disability/survivor-dic-rates
- ❖ DIC Rates for Parents: www.va.gov/disability/parent-dic-rates
- ❖ SBP/DIC Offset: www.dfas.mil/RetiredMilitary/survivors/SBP-DIC-News
- ❖ Chapter 35 Education Benefit: www.va.gov/education/survivor-dependent-benefits
- ❖ CHAMPVA: www.va.gov/COMMUNITYCARE/programs/dependents/champva/champva_eligibility.asp
- ❖ VA Home Loan: www.va.gov/housing-assistance/home-loans/surviving-spouse