

## 47 Secret Veteran's Benefits for Seniors

### Secret Money for Seniors

- #1 Senior citizen veterans or their surviving dependents can receive over \$2,000 per month (\$24,000 per year) in tax free income. (Costs of living increases annually)
- #2 You can qualify for a VA Pension even if your income exceeds the limits.
- #3 Recurring, non-reimbursed medical expenses of BOTH the veteran and the spouse are deductible from gross income.
- #4 Family members can be paid Caregivers, which is a deductible expense.
- #5 The entire cost for an Assisted Living Facility is a deductible expense.
- #6 You can qualify for a VA Pension even if your assets exceed the limit.
- #7 Trained attorneys who know VA laws and who are accredited by the VA can assist you in preserving your excess resources while still being awarded the pension.
- #8 Veterans 65 years or older, are presumed to be disabled. It does not have to be proven.
- #9 If the veteran is deceased and the surviving spouse is applying for low income pension, the spouse can be of ANY age and does NOT have to be disabled.
- #10 Pension with Aid and Attendance is easier to obtain than Household Benefits.
- #11 A veteran who is healthy but has a spouse who is disabled, CAN receive Improved Pension (Low Income Pension).
- #12 You do not have to have been injured while in the line of duty.
- #13 Entitlement to service connected compensation is not barred by veteran's employment.
- #14 A 0% rating is still a benefit.
- #15 A 30% or higher service connected disability rating will pay you a higher amount of money if you have a spouse or dependents.
- #16 A 70% or above rating will allow a claimant to reside in a federal VA nursing home, usually at no charge.
- #17 When rated at 100% disability or if rated as unemployable, you will receive the highest rating and the highest pay. Plus, if you are in need of the additional aid of another person to help with your activities of daily living (walking, bathing, dressing, toileting, etc.) there is an added supplement to your compensation called "aid and attendance".
- #18 Service connected disability income is not barred or reduced if you have other income (i.e. from working or from Social Security, etc.).
- #19 The level of your assets does not matter for service connected disability compensation.

- #20 VA compensation is tax free income.
- #21 Surviving Spouses and Dependents of Service Connected Disabled Veterans can file a claim for benefits too.
- #22 The veteran and surviving spouse did NOT have to be married to each other while the veteran was in the military or when the veteran was injured.
- #23 If a veteran dies while his or her claim is pending before the VA (submitted but not yet approved), the surviving spouse can continue to pursue the veteran's claim for benefits (accrued benefits). In addition, the surviving spouse can make his or her own, independent claim for benefits (death indemnity claim).
- #24 Veterans who served in the country of Vietnam anytime from February 28, 1961 through May 7, 1975, and later developed certain illnesses or diseases, are presumed to have been exposed to Agent Orange and, thus, have a service connected disability.
- #25 You didn't have to serve in Vietnam to incur a presumptive illness.
- #26 Amyotrophic Lateral Sclerosis (ALS), also known as Lou Gherig's Disease, may be a presumptive service connected disease.

#### **Application Process for Improved Benefits**

- #27 You can file your application through the Fast Tract System to expedite your claim.
- #28 The claimant must personally sign the application form.
- #29 The VA will NOT accept privately drafted powers of attorney.
- #30 Do not give the VA original verification documents (ie. discharge papers, birth certificates, marriage licenses, etc.).
- #31 You must submit certified copies of all death certificates or divorce decrees from all prior marriages of both the veteran and the current spouse.
- #32 The VA is required to expedite an application for benefits if the claimant is receiving Hospice care.

#### **Health Care Benefits**

- #33 You can continue to use your own doctor.
- #34 Some private nursing homes – have federal VA contracts.
- #35 Some federal VA nursing homes, and some private nursing homes with a federal VA contract, will admit veterans for care even if the veteran does not meet the service connected disability requirements.
- #36 Veterans can obtain their prescriptions from the VA for \$9 or less for a 30 day supply.

#37 Elderly veterans can receive Extended Care Services from the VA which can delay the premature need to move to an assisted living or nursing home environment.

#38 Only Veterans can access the VA health care system.

### **Burial Benefits**

#39 Veterans and their spouses can be buried at a national cemetery at no cost.

#40 You must have the military discharge papers in order to be buried at a military cemetery.

### **Getting Help**

#41 There is a very specific, yet limited, list of the types of people who can assist a veteran with the preparation, presentation, and prosecution of a claim.

### **Attorney's Fees**

#42 No private or non-profit organization, nor individual, including lawyers, can charge for the preparation, presentation, and prosecution of a claim.

#43 Once a veteran's claim is denied or approved for fewer benefits than the claimant was seeking, the veteran can hire a paid representative to assist with the appeal AFTER a Notice of Disagreement has been filed with the VA.

#44 A Notice of Disagreement filed BEFORE June 20, 2007, has different rules.

#45 The fee is presumed to be reasonable if the attorney charges no more than 20% of what you receive in past due benefits.

#46 Elder Care and Estate Planning Attorneys are allowed to charge clients for the elder care and estate planning work they do for veterans.

### **Resources**

#47 Knowing about reliable resources where you can obtain credible information is the key to obtaining the Veterans' Benefits you have earned!

Source: 47 Secret Veterans' Benefits for Seniors. Victoria L. Collier, Collier Communications, LLC, 2010.