



“Secret Dollars”: Vet Benefit for Long-Term Care Revealed

As Elder Law attorneys, we have for more than ten years helped clients who may need an important VA benefit available to wartime veterans who may be facing substantial medical and care expenses. A veteran who is confined to their home or needs assisted living facility care may qualify for benefits. The Department of Veterans Affairs recently reported that the VA is reaching out to veterans and spouses to alert them to an under-used benefit called “Aid and Attendance” (A&A). It has been reported by the VA that tens of thousands of veterans across the country may not be receiving the VA disability benefits they are entitled to. One of the VA’s best-kept secrets, which is an excellent potential source of funds for long-term care (either at home or in an assisted living facility) are veterans benefits for a non-service connected disability. Most VA benefits and pensions are based on a disability, which was incurred during a veteran’s wartime service. This particular benefit, A&A, is available for individuals who are disabled due to the issues of old age, such as Alzheimer’s, Parkinson’s, multiple sclerosis, and other physical disabilities. For those veterans and widows (ers) who are eligible, these benefits can be a blessing for the disabled individual who is not yet ready for a nursing home. This benefit can be as high as \$2,230 (2019) per month for a married veteran. This money can potentially be used for home healthcare or assisted living facilities. We were shocked to learn that so many veterans may be missing out on this valuable benefit, which they have a legal right to receive. The benefit is not generally used for the cost of nursing home benefits.

The pension benefits provided by the Veterans Administration generally fall into two categories: service connected and non-service connected. This article focuses on non-service connected benefits which are available to certain wartime veterans (or their dependents) who are disabled because of a non-service connected condition and who are in financial need due to their unreimbursed medical expenses. Once the veteran’s eligibility requirements are met, a family member may be able to obtain benefits based on his or her status as the veteran’s dependent.

There is a specific portion of the pension program, which is of particular importance. This program is “Aid and Attendance” (A&A) and is available to a veteran who is not only disabled, but has the additional requirement of needing the aid and attendance of another person in order to avoid the hazards of his or her daily environment. What that means in English is someone needs to help you to prepare meals, to bathe, to dress and otherwise take care of yourself.

Under this program, a married veteran can receive a maximum of \$2,230 (2019) per month in benefits and a widow or widower of a veteran can receive up to \$1,209 (2019) as a maximum benefit for A&A for the year. The applicant must be determined to be “permanently and totally disabled”. The applicant does not need to be helpless – he/she need only show that he/she is in need of aid and attendance on a regular basis.

Someone who is housebound or in an assisted living facility and over the age of 65 is presumed by the Veterans Administration to be in need of aid and attendance.

This particular program does have substantial limitations related to the income and assets that are held by the applicant. It is very important to meet with a knowledgeable Veterans Service Officer or an experienced elder law attorney for a pre-filing consultation to determine whether or not you may qualify for this benefit and to review the estate planning work that may be done to assist you in qualifying for this particular benefit. It is very confusing to many individuals in determining what is the countable income and assets measured by the Veterans Administration. For 2019, a claimant, single or married, can only have a net worth of \$127,061. Net worth includes all income and assets. The countable income for the veteran benefit is determined by taking a claimant's gross income and subtracting from that all of their recurring unreimbursed medical expenses to determine a lower income, which is their income for Veterans Administration purposes. Income for Veterans Administration purposes (IVAP) is the countable income, along with a claimant's assets, which is used to determine whether or not a person qualifies.

In computing the income of the applicant, certain items can be deducted. Specifically, recurring unreimbursed medical expenses (UMEs) paid by an individual may be used to reduce the claimant's income.

Home attendants or aides are an allowable medical expense deduction, as long as the attendant is providing some medical or nursing services for the disabled person.

The cost of an assisted living facility, and even part or all of the cost of an independent living facility, can also be an allowable medical deduction to reduce your gross income to a much lower net countable income that may qualify you for veterans benefits. To file a claim for this benefit, it is wise to seek the involvement of a trained Veterans Service Officer. A Veterans Service Officer is critical to the filing of an application with the local VA regional office. It is also important to seek the guidance of an experienced elder law attorney who is familiar with estate planning, disability, Medicaid and veterans benefits. An attorney skilled in elder law can provide a veteran and the veteran's family with appropriate pre-filing consultations to determine the appropriate steps that must be taken to be able to determine if it would be right to apply for this VA benefit. Please contact our firm, Hauptman & Hauptman, for a free information packet. You can call us at (973) 994-2287. We are prepared to counsel you in the area of elder law services, including veterans benefits and Medicaid planning and estate and disability planning.



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