



PENSION CLAIMS

Overview



TYPES OF PENSIONS

Non Service Connected Pension
Survivor's Pension

BASIC ELIGIBILITY



Wartime Service

65 Years of Age or Older

Under Age 65 and Unable to Work

BASIC ELIGIBILITY

- Started on active duty before September 8, 1980, and served at least 90 days on active duty with at least 1 day during wartime, **or**
- Started on active duty as an enlisted person after September 7, 1980, and served at least 24 months or the full period for which you were called or ordered to active duty (with some exceptions) with at least 1 day during wartime, **or**
- Were an officer and started on active duty after October 16, 1981, and you hadn't previously served on active duty for at least 24 months
- Received a discharge other than dishonorable, **and**
- Your yearly family income and net worth meet certain limits set by Congress. Your net worth includes all personal property you own (except your house, your car, and most home furnishings), minus any debt you owe. Your net worth includes the net worth of your spouse
- Are at least 65 years old, **or**
- Have a permanent and total disability, **or**
- Are a patient in a nursing home for long-term care because of a disability, **or**
- Are getting Social Security Disability Insurance or Supplemental Security Income

DEFINING NET WORTH

- Bright Line Rule: Value of combined assets and annual income cannot exceed \$159,240 (As of December 1, 2024)
- Net Worth: Sum of the veteran/claimant **and** spouse's assets
 - Cash, bank accounts, stocks, bonds, and trusts
 - Real estate (other than primary residence)
- Income: Sum of the veteran/claimant **and** spouse's annual income
 - Wages, annuities, military/civil service retirement, IRA, farm or business income, rental property
 - Interest, royalties, and dividends





NET WORTH CONT'D

- **Primary Residence** (not included in net worth calculation)
 - VA recognizes 1 primary residence per claimant
 - If residence is sold, proceeds count as asset unless claimant buys another home within same calendar year
 - Residential lot area cannot exceed 2 acres
- Net worth of child can be a factor for pension purposes but is evaluated independently

WHAT COUNTS?

- **Income** – Social Security, Wages, Retirement, Annuities, Unemployment, Farm/Business, Rental Property
- **Trusts**
- **Life Estates**
- **Investments**
- **Checking/Savings Accounts**
- **Stocks/Bonds**
- **IRA**
- **401K**
- **Real Estate**



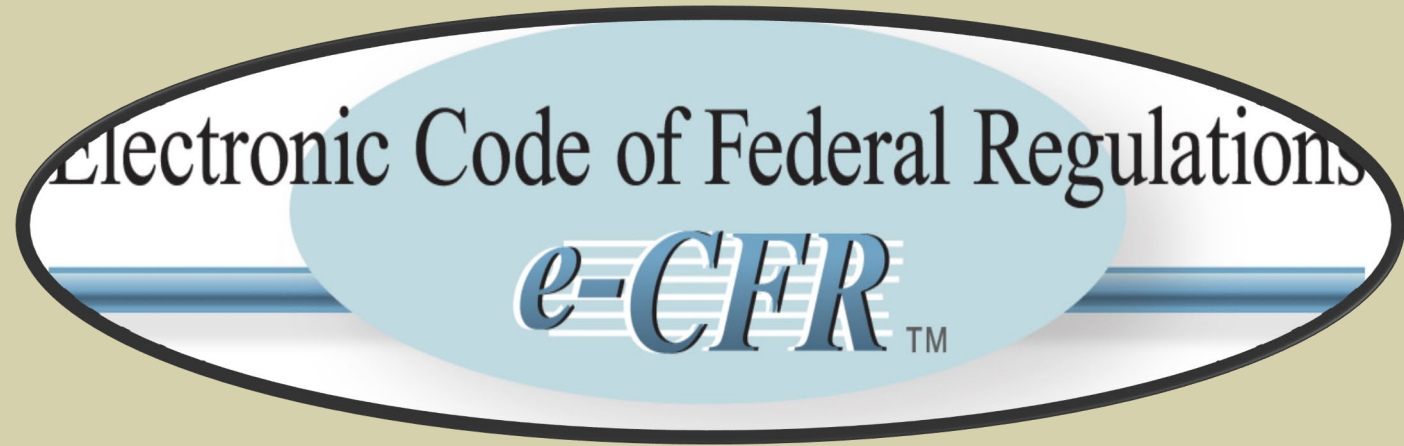
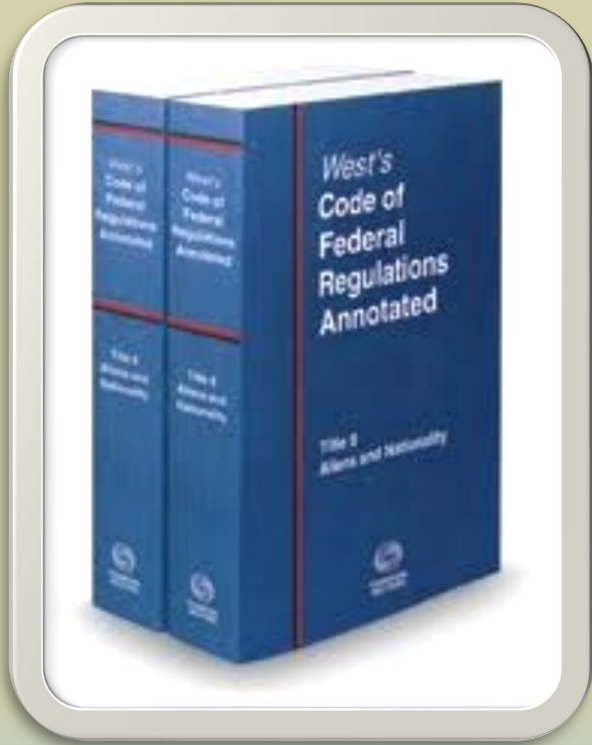


LOOK BACK PERIOD

- 36 month look back period
- Commences 36 months immediately preceding date VA receives claim
- A **covered asset** is an asset that was part of a claimant's net worth, and was transferred for less than fair market value less than 36 months prior to applying for benefits
- Look back period does not cover any time prior to October 18, 2018
- Up to 5-year penalty, based on amount of covered asset transferred

HOW MUCH DOES VA PAY?

- VA determines the Maximum Annual Pension Rate (MAPR) for your situation. This amount is set by Congress
- Next, VA determines your countable income. This is done by subtracting exclusions provided by law from your total annual income
- VA then subtracts your countable income from the MAPR. This difference is your yearly pension entitlement
- VA divides this amount by 12 and rounds to the nearest dollar. This is the approximate amount of your monthly pension payment
- VA deducts certain expenses you pay, such as unreimbursed medical expenses, from your annual household income. This will decrease your countable income and increase your monthly pension payment



Find a complete list of eligible expenses in the Code of Federal Regulations, sections 3.261 and 3.262 of Title 38

VA AID AND ATTENDANCE OR HOUSEBOUND BENEFITS

Provides monthly payments added to the amount of a monthly VA pension for qualified Veterans and survivors

Housebound benefits eligibility: If you get a VA pension and you spend most of your time in your home because of a permanent disability, you may be eligible for Housebound Benefits

VA AID AND ATTENDANCE OR HOUSEBOUND BENEFITS

If you get a VA pension and you meet at least one of the requirements listed below, you may be eligible for this benefit if **at least one of these must be true:**

- You need another person to help you perform daily activities, like bathing, feeding, and dressing, **or**
- You have to stay in bed – or spend a large portion of the day in bed – because of illness, **or**
- You are a patient in a nursing home due to the loss of mental or physical abilities related to a disability, **or**
- Your eyesight is limited (even with glasses or contact lenses you have only 5/200 or less in both eyes; or concentric contraction of the visual field to 5 degrees or less)

COMMON FORMS

NSC PENSION

- 21P-527EZ Application for Pension
- 21P-0969 Income and Asset Statement
- 21P-0516-1 EVR Report (Vet w/No Children)
- 21P-0516-2 EVR Report (Vet w/Children)
- 21P-4165 Questionnaire for Farm Income
- 21P-4185 Report of Income from Property or Business
- 21-4138 Statement in Support of Claim

SURVIVOR'S PENSION

- 21P-534EZ App for DIC, Death Pension and Accrued Benefits
- 21P-0969 Income and Asset Statement
- 21P-0516-1 EVR Report (Surv w/No Children)
- 21P-0516-2 EVR Report (Surv w/Children)
- 21-4138 Statement in Support of Claim

NURSING HOMES, ASSISTED LIVING, AND HOME HEALTH CARE

- **21-0779** Nursing Home Information for A&A
- **21-2680** Examination for Housebound Status or A&A
- **21P-8416** Medical Expense Report
- **21P-8049** Request for Detail of Expenses

When completing the application for NSC or Survivor's Pension, do not forget to include the appropriate form at the end of the form if the veteran or surviving spouse is in assisted living or housebound

INITIAL INTERVIEW

- Verify eligible service time with at least 1 day of it served during period of war
- Current residential status (independent, assisted living, nursing home)
- Marital status and spouse's residential status if applicable
- Annual income for veteran and spouse
- Home ownership
- Assets (refer to 21P-0969 to ensure you cover all items)
- Transfer of assets (discuss look back period)
- Medical expenses

SCENARIO 1

A veteran comes to your office and wants to file a claim for pension. The vet appears to be 65 years or older, only gets income from Social Security, is not married, and has a small house.

What steps should you take first?

- Ask the veteran; Have you ever filed a VA claim?
- Ask the veteran to give you a summary of military service
 - Branch and dates of service
 - MOS
 - Unit assignments/Duty station
 - Wartime service/Hostile or Non-hostile area
 - Medical issues while in service

SCENARIO 2

You have been working with a veteran who has wartime service and is over 65 years of age. You already have POA and after a discussing the vet's military and medical history, know there are no medical issues that would merit a compensation claim.

What's next?

- Start with 21P-527EZ- Application for Pension
 - Fill out all relevant blanks as completely as possible. Incomplete forms = development letters and that adds a lot more time to claim!
 - Pay special attention to blocks 27-29E. If you check yes to any of these, you must complete a form 21P-0969. This is the ideal point in the process to discuss ALL assets/income with the veteran. Leave no stone unturned!!
- 21P-0969- Income and Asset Statement
 - Go through this form completely so veteran understands what qualifies as an asset. Many of them forget they have CDs or other assets that are not currently paying out or generating income.
 - Stress the importance of disclosing trusts, life estates, etc.
 - Don't forget to attach statements/summaries to support entries.
- 21-4138 – Statement in Support of Claim



Veterans

Thank you for your service