

DISABILITY VETERANS PENSION & WIDOWS PENSION BENEFIT

VA Disability Veterans Pension & Widows Death Pension is a financial need based program and intended for those claimants that are in a poverty type situation.

If excessive net-worth exists and depleting fast due to medical expenses, the VA may grant the Benefit. Otherwise, not eligible.

In MOST cases, eligibility does NOT exist when recurring medical expenses aren't reducing the countable income.

FACTS TO CONSIDER WHEN GETTING ASSISTANCE FROM A LAW FIRM, FINANCIAL ORGANIZATION, OR CARE PROVIDING COMPANY

- Law Firms can now get a portion of any retroactive benefit if an appeal is started.
- Law Firms charge fees for other services like the preparation of moving funds to “irrevocable trust type accounts”, will preparation, and/or other legal services.
- Once accounts are moved and in those type of accounts, you cannot access the full amount as needed if your medical condition or medical expenses change which if so, **OFTEN** result in the termination of the VA Pension Benefit.
- After 12 months of receiving the Benefit, VA requires the completion of an Eligibility Verification Report (EVR). Often, the financial and medical expense information conflict with what was originally reported and results in a significant overpayment ranging in thousands of dollars.
- Disability Compensation (benefits paid for service related conditions, hearing loss due to loud noise exposure) Benefits are not considered, Compensation Benefits could affect additional eligibility for other benefits, pay more than the maximum pension benefit, and is not subject to income or net-worth limits.

**FOR FREE SERVICES CONTACT
YOUR LOCAL COUNTY DEPARTMENT OF VETERANS AFFAIRS
LAPEER COUNTY (810) 667-0256 ST. CLAIR COUNTY (810) 989-6945
MACOMB COUNTY (586) 469-5315**

TRUE STORIES

SCENERIO: Veteran has \$250,000 in net-worth accounts; therefore despite medical expenses such as assisted living type services zeroing out his monthly Social Security Administration (SSA) income, he most likely will not initially be eligible for the VA Pension. The VA Pension is an financial need type benefit. Law Firm approaches him and says “yes you can be eligible” they move his money to an irrevocable trust account (charge him for that money moving) set it up to where is gets about \$900 a month from that account. He cannot access that account for any money, its irrevocable. VA grants the maximum allowable amount \$1,644; which along with his SSA he can afford those services of assisted living. Now, the veteran gets better and wants to live with daughter, he doesn't charge his daughter to take care of his minimal needs, so his medical expense report is decreased. Due to the decrease he is no longer eligible and now he can't access his irrevocable trust money and this account will be drained in about 3 ½ years. So, after that point, he is now living on the \$900 monthly withdraw and his SSA.

SCENERIO: Widow gets assistance from law firm A and receives the VA Widows Death Pension at the maximum rate of \$1056.00 a month. After about a year, VA sends her the EVR requesting actual financial information for the previous 12 month period; she completed the report, and the VA returns with a response that she was not eligible based on the information she supplied. They created overpayment of \$12,672.00 and due to the fact she had other monies that were not reported initially, a waiver of debt was not granted.

SCENERIO: WWII veteran gets assistance from Law Firm A, as a result of moving money to an irrevocable trust account becomes eligible for the Pension Benefit. A few years later, I meet him and his daughter and find out that he could have been receiving over \$3,000 a month due to Service Connected disabilities and not have had to move any money, pay any fee for doing so, and have additional benefits for himself and his spouse while he is living and after he should pass.

SCENERIO: Veteran visits our office to get assistance with completing the EVR after being awarded VA Pension the previous year. We assist and the veteran realizes that he needs to come up with \$15,000 in medical expenses or an overpayment is to be created. He reported that he didn't have them and trusted the gentleman from the financial planning firm to report the correct information. It appears that they initially reported an independent living expense as an assisted living expense. Independent Living expenses ARE NOT considered medical expense.