



Veterans Affairs Pension Benefits Eligibility

In order for a veteran, spouse or surviving spouse to qualify for the VA Aid & Attendance benefit, the veteran must:

1. Have served 90 days or more of active military service with at least one day during wartime:

- The Mexican Border, May 9, 1916, to April 5, 1917;
- World War I, April 6, 1917, to November 11, 1918 (April 1, 1920, for those who served in Russia during that period);
- World War II, December 7, 1941, to December 31, 1946;
- Korean Conflict, June 27, 1950, to January 31, 1955;
- Vietnam War, August 5, 1964, to May 7, 1975 (February 28, 1961, for those who served in Vietnam during that period);
- Persian Gulf War, August 2, 1990 to unknown date.

2. Have received a military discharge - other than dishonorable:

Military discharges include, from highest to lowest: honorable, general, other than honorable, bad conduct, and dishonorable.

3. Be permanently and totally disabled:

If a claimant is blind and/or residing in an assisted living facility or nursing home with a mental or physical impairment the VA presumes he or she is “permanently and totally disabled.” Nonetheless, and for those claimants residing at home, the VA requires that the claimant’s personal physician complete VA Form 21-2680 entitled “Examination for Housebound Status or Permanent Need for Regular Aid & Attendance.” The VA will use the form to establish that the claimant is unable to perform two activities of daily living and requires personal assistance in order to maintain a safe or protective environment.

4. Be in need of daily aid and attendance of another person in order to avoid the everyday hazards of his or her environment:

In order to receive the benefit, the claimant needs to complete VA-Form 21-2680 including supporting documents, and submit them to the VA.

5. Have “low monthly income”:

Many are familiar with the term IVAP, or “income for VA purposes.” IVAP is derived by first adding all countable monthly income for the claimant’s household. For VA purposes, income includes just about anything that the veteran or the veteran’s spouse in the household receives in the form of payment - unless specifically excluded or deductible by regulation. The most popular deduction of income in the elder law setting is unreimbursed medical expenses paid by the claimant and/or spouse. The difference between the claimant and/or spouse’s monthly unreimbursed medical expenses and monthly cash flow is referred to as the IVAP. The goal is to have an IVAP of zero dollars or less. If this is the case the claimant is eligible for the applicable Maximum Annual Pension Rate (“MAPR”). For every dollar greater than zero the MAPR is reduced dollar for dollar until the claimant is no longer entitled to a VA benefit. Finally, if the calculated IVAP is greater than the applicable MAPR the claimant is not eligible for benefits.

To summarize:

IVAP < \$ 0	= MAPR
IVAP > \$ 0 but < MAPR	= MAPR - IVAP
IVAP > MAPR	= Not entitled to VA benefit

6. Have “nominal assets” (low net worth):

There is no set limit on how much net worth a claimant can have as long as it is not excessive. An excessive net worth is established when a claimant is able to pay his or her unreimbursed monthly medical expenses for the remainder of his or her VA life expectancy.

7. Current maximum monthly benefit:

Veteran (single): \$1,794.00; Veteran (married): \$2,127.00; Surviving Spouse: \$1,153.00

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