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2008 Pensions for Veterans and Their Widowed Spouses

Few seniors or their families are aware of remarkable financial benefits that are available to U.S. military veterans in the form of Veterans Administration low-income pension benefits. Of those Americans who are aware of veterans pensions, even fewer of the large numbers of veterans or their widows or widowers who are eligible, or who could become eligible with proper planning by an elder law attorney, have done the planning and application to receive their federal benefits. Veteran pensions are available to large numbers of seniors age 65 or older, or who have other non-service-connected disabilities, and are financially eligible. The rules consider that the veteran age 65 and older is automatically "disabled" for purposes of pension benefit eligibility. Additional criteria can raise the veteran's pension benefit above the basic independent pension if the veteran is "housebound" or in need of "aid and attendance" for certain activities of daily living.

Veterans who have service-connected disabilities may be eligible for benefits that are classified as Disability "Compensation". However, many more veterans have non-service-connected disability needs, so this article is focused on the low-income pension benefits available to this much larger portion of America's population of veterans and their widows or widowers.

The numbers below are maximum pension figures. They are the maximum one can receive after considering other income minus recurring medical-related costs. Deductible medical-related costs include a range of expenses too diverse to discuss in the space available in this article. They can include in-home caregiver costs or the costs of an assisted living facility, but the documentation must be presented properly in order for the costs to be deductible.

In 2008, the basic low-income pension benefit for an independent veteran with no dependents may be as high as \$931.00 per month. The benefit for an independent veteran with one dependent may be \$1,220.00 per month. If the veteran with no dependent needs "aid and attendance" for certain activities of daily living, the pension available may be as high as \$1,554.00 per month. If the veteran has a dependent, the monthly benefit may increase to \$1,842.00 in 2008.

Pension benefits are also available for widows and widowers of veterans. In 2008, the basic low-income pension benefit for a widow or widower of a veteran without dependents is \$624.00 per month, whereas the widow or widower who needs aid and

attendance benefit may receive benefits as high as \$998.00 per month. There are no age restrictions for widowed spouse's to qualify.

These VA pension benefits can make a huge difference in the ability of the veteran, or widow or widower to afford basic costs of living, in-home caregivers in order to be able to stay at home, or to afford to live in an assisted living facility of his or her choice without his/her state's Medicaid program. Planning for eligibility for veteran's pension benefits is somewhat similar to, but less complicated than the intricate planning often necessary for Medicaid eligibility. A very worrisome concern is, however, that the simpler rules for VA pension benefit eligibility may entice seniors or their agents under Powers of Attorney to carry out transactions that will cause later Medicaid ineligibility if either the veteran or the veteran's spouse, widow or widower should require Medicaid benefits within five years.

It is crucial not to preclude later Medicaid eligibility. Because of this, VA pension eligibility planning needs be done with careful analysis of its implications for eventual Medicaid eligibility for the veteran or his or her spouse. Veteran Service Organizations exist to provide no-cost assistance in preparing and filing applications for veterans benefits, but they are not qualified to assist veterans or their families with eligibility planning. Furthermore, they are not qualified to counsel veterans or their families in regard to Medicaid eligibility and the sometimes-conflicting standards and techniques that apply to the two sets of eligibility rules. Such planning requires the careful guidance and assistance of an experienced elder law attorney.

For help determining whether you or your spouse or parent may be eligible for Veterans' benefits, contact Richard Courtney at 866-ELDERLAW.