

Veterans Benefits: For Veterans, Family Members, Survivors

The United States Department of Veterans Affairs (VA) offers a broad range of services for veterans of all ages. Unfortunately, some services are underused because many older veterans and their families do not realize these services exist or that they may qualify. They don't apply for VA benefits even though factors such as low income, disability, or war-time service may have made them eligible.

Requirements for benefits have changed from time to time. Some benefits today do not require a service-related injury, although they may require copayments for veterans whose family income and assets exceed the annual limit for no-cost service. These and other benefits and may apply:

Respite care to relieve family caregivers of veterans with dementia.

Health benefits and services are available to a person who served in the active military service and who was discharged or released under conditions other than dishonorable.

Disability compensation for veterans with service-related injuries or illness.

Non-service-connected pension for low income disabled veterans who served during wartimes. The veteran's pension may include an allowance for eligible veterans in need of the regular *aid and attendance* of another person.

Burial benefits for eligible veterans.

Death pension for low income surviving spouse and dependents of veterans who served during wartime.

General Eligibility for VA Benefits

Eligibility for most VA benefits is based upon discharge from active military service other than dishonorable conditions. Honorable and general discharges qualify a veteran for most VA benefits. Dishonorable and bad conduct discharges issued by general court-martials bar VA benefits. VA regional offices can clarify eligibility of prisoners and parolees. Active service means full time service as a member of the Army, Navy, Air Force, Coast Guard, or as a commissioned officer of the Public Health

Service, the Environmental Services Administration or the National Oceanic and Atmospheric Administration.

Women veterans are eligible for the same VA benefits as male veterans. Additional services and benefits for women veterans are gender-specific and include breast and pelvic examinations and other general reproductive health care services. Preventive health care provided includes counseling, contraceptive services, menopause management, Pap smears and mammography. Referrals are made for services that VA is

unable to provide.

Certain VA benefits require wartime service. Under the law, VA recognizes these war periods:

World War II: Dec. 7, 1941, through Dec. 31, 1946.

Korean War: June 27, 1950, through Jan. 31, 1955.

Vietnam War: Aug. 5, 1964 (Feb. 28, 1961, for those who served "in country" before Aug. 5, 1964), through May 7, 1975.

Persian Gulf War: Aug 2, 1990, through April 6, 1999.

(There are earlier periods too, not listed, such as World War I.)

(Legislation has been passed to expand the Vietnam Wartime Period, beginning on November 1, 1955, though no formal implementation of this change has taken place.)

VA Health Care, Basic Eligibility

A person who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable may qualify for VA Health Care benefits. Reservists and National Guard members may also qualify for VA Health Care benefits if they were called to active duty (other than for training only). Veterans who enlisted after September 7, 1980, or who entered active duty after October 16, 1981, must have served 24 continuous months or the full period for which they were called to active duty in order to be eligible (except in special circumstances.)

VA Health Care, Enrollment

For most veterans, entry into the VA Health Care system begins by applying for enrollment. A VA Form 10-10 EZ Applica-

tion for Health Benefits should be completed. The form may be obtained from any VA facility, on-line at <http://www.va.gov/vaforms/medical/pdf/10-10EZ-fillable.pdf> or by calling 1-877-222-8387 (VETS).

The following four categories of veterans are not required to enroll, but are urged to do so to permit better planning of health resources:

Veterans who:

1. have a service-connected disability of 50% or more.
2. want care for disability, which the military determined was incurred or aggravated in the line of duty, but which VA has not yet rated, during the 12-month period following discharge.
3. want care for a service-connected disability only; or
4. want registry examinations (Ionizing Radiation, Agent Orange, Gulf War/Operation Iraqi Freedom and Depleted Uranium).

Priority Groups

Veterans will be enrolled to the extent Congressional appropriations allow. Eligibility will be verified, and based on the veteran's specific eligibility status, the veteran will be assigned a Priority Group. The groups range from 1-8 with one being the highest priority for enrollment. Some veterans may have to agree to pay copays to be placed in certain Priority Groups. If the veteran is eligible for more than one Priority Group, VA will place the veteran in the highest Priority Group for which the veteran is eligible.

For the most updated, complete listing of Priority Groups, refer to: <http://www.va.gov/healthbenefits/resources>

/priority_groups.asp

Copayment Requirements

While some veterans qualify for cost-free health care services based on a compensable service-connected condition or other qualifying factor, most veterans are required to complete an annual financial assessment or Means Test to determine if they qualify for cost-free services.

Veterans whose income and net worth exceed the established Means Test threshold, as well as those who choose not to complete the financial assessment must agree to pay required copayments to become eligible for VA Health Care services.

Along with their enrollment confirmation and Priority Group assignment, enrollees will receive information regarding their copayment requirements, if applicable.

There are certain circumstances when veterans may qualify for cost-free health care and/or medications such as Purple Heart or Medal of Honor, low income, etc.

VA and Other Health Insurance

VA is authorized to submit claims to health insurance carriers for recovery of VA's reasonable charges in providing medical care to nonservice-connected veterans and to service-connected veterans for nonservice-connected conditions.

All veterans applying for VA medical care will be asked to provide information on their health insurance coverage, including coverage provided under policies of their spouses. Although veterans are not responsible for paying any remaining balance of VA's insurance claim that is not paid or covered by their health insurance, veterans whose income is above the "means test" threshold are responsible for the VA's copayments required by federal law. However, when VA receives payment

from the veteran's health insurance company for the care furnished, VA credits that recovery toward the amount of the veteran's copayment obligation.

Tennessee Valley HealthCare System (TVHS)

Tennessee Valley Healthcare System provides health care services to veterans in Kentucky and Tennessee.

General contact information is as follows:

Nashville campus: 615-327-4751, 800-228-4973

Murfreesboro campus: 615-867-6000, 800-876-7093

Website:

<http://www.tennesseevalley.va.gov/>

Types of services include:

- Outpatient Services
- Medications
- Inpatient Services
- Long-Term Care

The following long-term care services are available to all enrolled veterans:

- Geriatric Evaluations
- Adult Day Health Care
- Respite Care
- Home Care
- Skilled home Care
- Hospice/Palliative Care

For veterans who are not automatically exempt from making copayments for long-term care services, a separate financial assessment must be completed. Unlike copayments for other VA Health Care services, which are based on fixed charges for all, long-term care copayment charges are individually adjusted based on each

veteran's financial status.

Note: copays for Long-Term Care services start on the 22nd day of care during any 12-month periods. Actual copay charges will vary from veteran to veteran depending upon financial information submitted on VA Form 10-10EC.

VA Home Care and Respite services also include Housekeeping, Bath Visits, Caregiver Relief, Adult Day Care and Medical Foster Home.

There are some limited benefits for Nursing Home Care and Domiciliary Care. In some cases, care may be for an indefinite period while others may qualify for a limited period of time depending on certain factors. Among those that automatically qualify for indefinite nursing home care are veterans whose service-connected condition is clinically determined to require nursing home care and veterans with a service-connected rating of 70% or more. Priority is given to those with service-connected conditions; other veterans may be provided short-term nursing home care if space and resources are available. VA may provide Domiciliary Care (rehabilitation and health maintenance care for veterans who require some medical care, but not nursing home care) to veterans whose annual income does not exceed the maximum annual rate of VA pension or to veterans who have no adequate means of support. VA may provide caregivers in the home in certain circumstances. This service falls under the Veterans Health Administration, and the VA Form 10-10CG is the appropriate form to apply for such services, which can be found here:

<https://www.va.gov/vaforms/medical/pdf/10-10CG.pdf>. When applying for in-home caregiver services, it is always prudent to work with your VA primary care providers assigned social worker.

Enrollment for TVHS primary medical care

or VA Geriatrics and Extended Care services can be done by a professional referral using VA Form 10-0415. Phone numbers include:

VA TVHS, Nashville Campus: 1-800-228-4973

VA TVHS, Murfreesboro Campus: 1-800-876-7093

VA Facility Locator is found on the Veterans Administration web site, www.va.gov.

Disability Compensation

VA disability compensation is a monetary benefit paid to veterans who are disabled by injury or disease incurred and aggravated during active military service. The service of the veteran must have been terminated through separation or discharge under conditions that were other than dishonorable.

Disability compensation varies with the degree of disability and the number of dependents. It is paid monthly. The benefits are not subject to federal and state income tax. The payment of military retirement pay, disability severance pay and separation incentive payments affects the amount of VA compensation paid.

Presumptions of Service-Connection Relating to Certain Chronic Diseases and Disabilities

For veterans who served for 90 days or more during a period of war, there are certain conditions, diseases and disabilities that will be considered to be service-connected assuming there is no record of evidence of the disease prior to service. For example, former prisoners of war are presumed to be eligible for disability compensation if they become at least 10 percent disabled from diseases associated with POW's. (Some of these presumptive conditions require that the veteran was a

POW for a least 30 days, and some do not). These presumptive diseases include, but are not limited to: irritable bowel syndrome, peptic ulcer disease, cirrhosis of the liver, stroke, psychosis, anxiety states, and various heart diseases.

Veterans may have been exposed to a range of chemical, physical, and environmental hazards during military service. Just like there are presumptions of service-connection conditions for POWs, the same is true for Exposure to Radiation (such as various cancers and more) and Exposure to Agent Orange and Herbicide agents (such as Neuropathy, Diabetes Mellitus-Type 2, Parkinson's Disease, Hodgkin's Disease, Prostate Cancer, and more).

The following VA Web site lists the four ways to find Military Exposure:
<http://www.publichealth.va.gov/exposures/>

Nonservice-Connected Disability Pension Benefit

Veterans with low incomes who are permanently and totally disabled for reasons other than the veteran's own willful misconduct may be eligible for monetary support if they have 90 days or more of active military service, at least one day of which was during a period of war. The discharge from active must have been under conditions other than dishonorable. This is called a veterans' *pension*.

Payments are made to qualified veterans to bring their total income, including other retirement or Social Security income, to levels set by Congress. Countable income may be reduced by unreimbursed medical expenses. The payment is reduced by the amount of the countable income of the veteran and the income of the spouse or dependent children.

"Aid and Attendance" is not a separate VA benefit but is an allowance to the non-

service-connected veteran's pension benefit for veterans or surviving spouses who need the "aid and attendance" of someone else to help with activities of daily living.

To be eligible for the VA pension, the veteran or the surviving spouse of a veteran must have:

1. Regularly recurring medical expenses that offset income. (Medical expenses can include in-home care, nursing home or assisted living costs, and more.) The VA will apply a special formula to determine whether or not the veteran and/or spouse or dependent will qualify for the pension benefit. See us for additional details.

2. Liquid assets of, at least, less than \$123,600. (This does not include the veteran or surviving spouse's home on a two acre or smaller plot.) In 2018, attached to SS benefit increase amount annually.

3. To qualify for the aid and attendance allowance, the veteran or surviving spouse must need regular help with the following activities:

- Dressing or undressing or keeping himself or herself ordinarily clean and presentable.

- Eating.

- Toileting

- Bathing

- Safely moving in their environment

- Medication management

- Or be legally blind.

If the veteran or surviving spouse is bed-ridden or is mentally or physically incapacitated and assistance is required on a regular basis, then the criteria will be met.

If the veteran or surviving spouse does not need aid and attendance, but cannot leave the house due to their limitations, the claimant may be able to qualify for the

“housebound” allowance.

For a married veteran, the VA may pay about \$2431/month* in aid and attendance pension benefit and a single veteran can receive almost \$2050/month*. The housebound allowance pays less.

When a veteran without a spouse or a child is being furnished a nursing home or domiciliary care by VA, the pension is reduced to an amount not to exceed \$90 per month after three calendar months of care. The reduction may be delayed if nursing home care is being continued for the primary purpose of providing the veteran with rehabilitation services.

Burial Benefits

Five burial benefits are available for veterans who were honorably discharged:

- United States flag is provided at no cost to drape the casket or accompany the urn of a deceased veteran.

- Families of veterans on VA Disability or Pension at the time of death may receive a burial and funeral allowance.

- Veterans and dependents may be buried in National Cemeteries.

A Presidential Memorial Certificate expressing the country's thanks is available for families of deceased veterans.

Upright stones and flat grave markers are available for the veteran regardless of whether internment is in a VA or private cemetery. Spouses and dependents may qualify if burial is in a National Cemetery.

Death Pension

Death pension is a benefit paid to eligible spouses and dependent children of deceased veterans who served during war-times. Income limits must be below a yearly limit set by law, and Supplemental Security Income (SSI) is not counted as part of income. This benefit can be important to a widow or widower trying to survive on a low income, but they may not be aware that they should apply. Depending on whether the widow is housebound or requires aid and attendance with activities of daily living, the monthly pension can range up to \$1,176* per month.

*Based on 2018 limits. These numbers usually change annually if there is a cost-of-living increase.

Finding VA Resources and Getting Help in Applying

Counseling and help in applying for VA benefits is available at any local County Veterans Service Office (VSO). Information on VA benefits or a VA Medical Center can be found by calling toll-free 1-800-827-1000 or visiting the national VA Web site, <http://www.va.gov>. Most Tennessee counties have a veteran's service officer who assists veterans and their families without charge in identifying VA benefits that might be available to them and in applying for benefits.

As VA accredited attorneys, Timothy L. Takacs, Barbara Boone McGinnis, and Chris Johnson are authorized by VA to assist claimants in the preparation, presentation, and prosecution of claims for benefits.