
Griboff Law, LLC

November 19, 2021

RE: Questions on Veterans Affairs following presentation

Dear Reader,

Thank you for reaching out with such diverse questions on benefits available to veterans through the Department of Veterans Affairs (VA). Though I am an attorney, please keep in mind that these answers are for informational purposes only and should not be construed or otherwise interpreted as legal advice.

1. In relation to non-disabled veterans over age 65, what is a financial need? What is the cutoff?

The asset and income limit for Wartime Veterans Affairs Pension benefit for that age group is \$130,773 as of the time of writing. However, this amount is likely to increase beginning on December 1, 2021 and you may additionally recall from my presentation that certain “assets” are excluded from the limit. In addition, the veteran’s “income” may be reduced to zero due to medical expenses.

2. What are the most common benefits received that do not require income limits to qualify for?

VA Disability Compensation benefits and VA Health Care are notable as being common benefits which may not have income limits.

3. If a veteran does not apply to collect on potential benefits but wants to apply for spousal benefits, after the veteran has died is the spouse eligible for benefits?

Generally, a surviving spouse may apply for VA Wartime Pension benefits if the veteran qualified as a Wartime Veteran and if his or her discharge was “other than dishonorable.” However, the surviving spouse must still qualify under the appropriate asset and income limits.

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4. At military retirement an evaluation for disability compensation apparently happens regularly. Does any award offset regular retirement compensation and is not taxable?

Under most circumstances, the veteran cannot receive both compensation and pension benefits.

5. At the retiree's death, does that compensation get added back to their normal retirement income for their spouse?

Unfortunately, this question requires a little more clarification before an answer can be given.

6. What if someone has long term care (LTC) insurance and is collecting on a claim, does this play a factor in Aid and Attendance (A&A) benefits?

If the veteran is collecting LTC insurance, he or she may not be eligible for A&A benefits. However, if LTC payment is not being made to the veteran directly, then it is probable that it does not factor into A&A benefits.

7. Can you transfer assets to reduce net worth? Is there a lookback period?

While you may transfer assets to reduce net worth, as of October 2018 there is a three (3) year look-back period.

8. Do medical expenses include home health care?

Home health care is considered a medical expense if it is both predictable and reoccurring.

9. For A&A asset determinations, do retirement plans such as an Individual Retirement Account (IRA) count as assets?

IRA are categorized as assets under A&A.

10. I am currently helping a veteran fill out a 25+ page application for a Veterans Affairs nursing home. I have a lot of questions about the application details. Where and how can I find answers?

Accurately and successfully filling out a VA nursing home application on behalf of a veteran is a particularly challenging task. It is generally recommended that

you or the veteran speak with an attorney familiar with the VA to assist with completion of the form. While I do not handle this type of application, I would be happy to refer you to a colleague whom I believe may be able to help. You are welcome to contact me for further information at amy@griboffestateplanning.com

11. What documentation is needed for medical expenses?

Under 38 C.F.R. § 3.278 (b), paid invoices are accepted documentation of medical expenses.