



# V.A. PENSIONS

**A**re you a veteran with a disability or other health problem *not* related to your service? You may be eligible for a pension from the Veteran's Administration or "VA."

### What is a VA pension?

A VA pension is paid each month in cash to veterans who are low-income, totally disabled and served during wartime. Unlike compensation, a veteran can qualify for a pension even if the disabilities are not related to service. Here is a summary of the Improved Pension Program. It is the only program for which new pension applications can be filed. This fact sheet does not cover Section 306 and Old Law Pensions.

### Who does the VA consider to be a "veteran"?

A "veteran" is a person who:

- served in the active military, naval or air services, and
- was discharged or released under conditions "other than dishonorable."

### What does the VA mean by conditions "other than dishonorable"?

In general, if you got an honorable or general discharge, you may be entitled to a VA pension. An undesirable or bad conduct discharge after a special court martial may entitle a veteran to a VA pension if all other conditions are met. It will be up to the VA to decide whether or not these types of discharges disqualify a veteran from getting a pension. If you had a dishonorable or bad conduct discharge, then you are likely not to qualify for a VA pension.

### Can a National Guard member get VA Benefits?

Yes. People in the National Guard can get benefits if they:

- are on full-time duty for training purposes, or
- are called to duty for training or to fill the needs of the Armed Forces during war or other national emergency.

**NOTE:** Members of the Guard are only eligible for VA benefits stemming from their "federal service."

### What veterans qualify for a VA pension?

1. The veteran must have no income or be low-income and have few assets or net worth;
2. The veteran must be 65 years of age or permanently and totally disabled;
3. The veteran's disabilities must not be caused by the willful misconduct of the veteran.
4. The veteran must have completed a minimum period of military service during wartime.

### What is a "Special Monthly Pension"?

A special monthly pension is available for veterans who are housebound or need aid and attendance. "Housebound benefits" are available to veterans confined to their home due to their disabilities. If a veteran has:

- a single permanent disability rated 100 percent disabling, and
  - another disability independently rated 60 percent or more,
- then entitlement to housebound benefits is also established, whether or not the veterans is actually housebound.

If the VA decides a veteran needs assistance from another person, then the veteran qualifies for "aid and attendance" (A&A) benefits. A veteran is entitled to A&A benefits if the veteran:

1. is blind;
2. is in a nursing home;
3. is unable to perform activities of daily living such as dressing, bathing, adjusting a prosthesis; or
4. needs protection and requires assistance on a regular basis due to a physical or mental incapacity.

### What are the income limits for a VA pension?

As of December 1, 2013, the yearly income limits for pensions are:

If you are a...	Your yearly income must be less than...
Veteran Without Spouse or Child	\$12,652
With One Dependent	\$16,569
Housebound Without Dependents	\$15,461
Housebound With One Dependent	\$19,379
A&A Without Dependents	\$21,107
A&A With One Dependent	\$25,022
Two Vets Married to Each Other	\$16,569
ADD for Each Additional Child	\$ 2,161

*These numbers are updated each year in December.*

### EXAMPLES

- A single veteran with no dependents and no income would get \$12,652 in VA pension each year.
- A single veteran with no dependents and \$10,000 in countable income would get \$2,652 in pension benefits per year.

### What is "countable" income?

Generally, any income coming into a veteran's household is countable. This includes Social Security Disability and Retirement benefits.

### What is "not countable" income?

Common forms of income not countable for pension purposes include:

1. Welfare payments like FIP, payments from private charities, general relief payments or county veteran's assistance payments.
2. The VA pension of your spouse;
3. Profit from the sale of real estate;
4. Reimbursements from insurance for losses from fire or casualty policies.

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## Can any of my medical expenses be deducted from my countable income?

Unreimbursed medical expenses that total more than 5% of the maximum annual pension rate can be deducted from your income if paid by the veteran out-of-pocket. In 2013, the minimum amount would be \$623 for veterans without a spouse or child and \$816 for veterans with one dependent.

## Is my dependent child's income countable?

Yes, with some exceptions. If the child is working, any income earned up to the lowest amount of gross income for which a federal tax return must be filed is not countable. If the child is in college or a vocational program, any amount the child actually spends on educational expenses is also excluded.

It may be possible to exclude your child's income if you ask the VA clearly and in writing for a "hardship exception." The law allows the VA to exclude the income of your child if your annual expenses for reasonable family maintenance are more than your countable income and pension.

## What are the asset limits for a pension?

The VA will also consider whether the veteran has enough assets that it is reasonable to assume that part of these assets will be used for the veteran's maintenance. Although net worth is considered on a case-by-case basis, and there are no set limits, the VA rarely denies a claim for a pension when the net worth of a veteran is below \$80,000.

## Can a veteran get both compensation and pension?

No, the veteran must elect to get one or the other, not both.

## What does "permanent and total disability" mean?

A veteran will be considered permanently and totally disabled if the veteran is:

1. A patient in a nursing home; or
2. Disabled, as determined by the Social Security Administration; or
3. Unemployable as a result of a disability reasonably certain to continue throughout the life of the person;

If you are substantially and gainfully employed when you apply for a pension, then you will not be found permanently and totally disabled for purposes of VA pension. Usually the VA does not consider employment in a sheltered workshop or rehabilitation facility to be substantial, gainful employment. A veteran over age 65 is generally considered to be permanently and totally disabled.

## What are the service requirements for a pension?

The veteran must have active service for:

1. 90 days during a period of war; or
2. 90 or more consecutive days, one day of which was during a period of war; or
3. At least one day of wartime service resulting in a discharge for a service-connected disability.

A veteran who enlisted in the military for the first time on or after September 8, 1980, must also have either completed twenty-four months of continuous active duty or the full period for which the veteran was called to active duty. This service requirement does not apply to veterans with any active service before September 1980.

## What is a "period of war"?

In order to be eligible for VA pension, the veteran must have served in a "period of war":

**World War II:** December 7, 1941, through December 31, 1946 (extended to July 25, 1947, if continuous with service on or before December 31, 1946).

**Korean War:** June 27, 1950, through January 31, 1955.

**Vietnam Era:** August 5, 1964, through May 7, 1975.

**Persian Gulf War:** August 2, 1990, through present day.

## How do I start my claim for a pension?

You can start a claim simply by notifying the VA in writing that you are seeking benefits to which you may be entitled, specifically a pension, and that you would like the VA to send you the appropriate form. It is important to notify the VA as soon as possible in order to establish the earliest possible effective date.

## If I am awarded a pension, when is the effective date of my back award?

The pension award is usually effective from the date you filed your claim, not the date you became disabled. However, a veteran filing a claim within one year of becoming disabled may be entitled to a retroactive award consisting of one year of pension benefits if s/he can show the disability was so incapacitating it prevented filing the claim for at least thirty days immediately after becoming disabled.

*Helping low-income Iowans with legal issues including income maintenance and health care is among the priorities of Iowa Legal Aid. If you have a legal problem involving a topic discussed in this information, you should talk to a lawyer. To find out if you can get free legal help from Iowa Legal Aid:*

- Apply online anytime at [iowalegalaid.org](http://iowalegalaid.org) or
- Call 1-800-532-1275. M-F 9-11 am and 1:30-3:30 pm except Thursday afternoon.

**Appeal services are also offered at no cost by County Commission of Veterans Affairs offices.**

The information in this *Fact Sheet* was correct as of the date of its last review (January 2014). The laws may have changed. **DO NOT ASSUME THE INFORMATION IS CORRECT AFTER THE DATE OF ITS LAST REVIEW.**

You should see a lawyer to get complete, correct, and up-to-date legal advice. Do not rely on the general information in this *Fact Sheet* for your specific case. If you need a lawyer but can't afford one, contact Iowa Legal Aid. You may be able to get free legal help. Call or write Iowa Legal Aid or apply online anytime at [iowalegalaid.org](http://iowalegalaid.org). **AS YOU READ THIS INFORMATION, REMEMBER IT IS NOT A SUBSTITUTE FOR LEGAL ADVICE.**

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