



An Elder and Special Needs Law Firm

1980 East 116th Street, Suite 125, Carmel, IN 46032
Phone: 317.622.8181 | Fax: 317.613.5838
Info@StinsonElderLaw.com

VETERAN'S BENEFITS: WHAT YOU NEED TO KNOW

-by Jeffery Stinson, CELA*

They are men and they are women who have served in the Army, Air Force, Navy, Marine Corps, National Guard, and Coast Guard. They have provided security for America in war and in peace. They have been far away from home -- sometimes in the most dangerous places. Missing holidays and birthdays. They are your family, your neighbors and your friends. We honor them.



Sadly, far too many of these military heroes are not aware of the many benefits available to them as some degree of compensation from the US Government for their bravery and valor.

At Stinson Law Firm we have many years of experience working with veterans to provide them with the benefits and services they have earned.

The Stinson Law Firm can help you review your eligibility for these benefits. In particular, the Stinson Law Firm can review your eligibility for a little known cash benefit available to veterans and surviving spouses.

Known as "pension" and more often referred to as "aid and attendance," the benefit is not related to a service connected disability.

The pension benefit is income tax free and can help pay for long-term care, especially alternatives to nursing home care like assisted living and home care.

To qualify, the applicant must be a veteran that meets certain service requirements (the surviving spouse must be widowed from such a veteran), must be disabled (the more disabled the applicant, the larger the benefit awarded), and must meet strict income and asset limitations.

Financial barriers to eligibility can be overcome with a comprehensive legal plan. We can outline your options and assist you in making an informed, well-reasoned decision on what approach is best for you.



Types of Pension Benefits

Basic Pension is for veterans and surviving spouses who are age 65 or older, or have been found to be disabled; and, who have limited income and assets. No physician's statement documenting a medical need is required if over the age of 65.

Pension with Housebound Allowance has a slightly lower benefit to help those who do not qualify for Aid and Attendance, and need help to stay at home. This pension requires that the individual needs regular assistance, but the rules are different than the rules for Aid and Attendance. Care can be provided by family members or outside caregiver agencies. A physician's statement is required.

Pension with Aid and Attendance Allowance is the most widely known benefit and offers the highest possible monthly payment. It provides benefits for a veteran or surviving spouse who requires the attendance of another person to assist in activities of daily living, is blind, or in a nursing home, or in an assisted living facility. Care can be provided by family members or outside caregiver agencies. A physician's statement is required.

How do you know if you qualify?

A veteran or the surviving spouse has to meet the requirements of eligibility. These are:

At least 90 days of active duty, including at least one day during a period of war if service occurred prior to 1980¹. He or she does not have to have served in combat. These wartime periods are:

WWII 12-7-1941 to 12-31-1946
Korean War 6-27-1950 to 1-31-1955
Vietnam War 2-28-1961 to 5-7-1975
Vietnam Era 8-5-1964 to 5-7-1975
Persian Gulf 8-2-1990 to Present

The veteran cannot have received a discharge that was dishonorable.

Applicant must be over 65 or have a permanent disability. Often a veteran who needs home care or in an assisted living center can qualify.

Medical costs must be more than household income.

Applying for Benefits

It is important to apply for these benefits as soon as possible. Sometimes it takes the VA months if not over a year to make a decision. The good news is that benefits are paid retroactively to the month after the application is submitted.

You can do this on your own, but the process can be much quicker with the help of an elder law attorney. Here at the Stinson Law Firm we can guide our established clients to be sure they have all of the proper documentation required and that the application is completed to the satisfaction of the VA. Often the lack of a single document or incorrectly completed question on the application can cause lengthy delays in the processing of the claim, if not a denial of the claim.

¹ After September 7, 1980, the general rule is service must be at least 24 months or the full period for which the veteran was called or ordered to active duty.

To schedule an appointment to discuss what you might have coming to you, contact me here at the Stinson Law Firm.

For more information check either of these government web sites.

<http://www.benefits.va.gov/BENEFITS/Applying.asp>

<https://secure.in.gov/dva/2343.htm>

Our goal at the Stinson Law Firm is to secure your present and future and leave you with the peace of mind you deserve. Contact us today.

**Certified as an Elder Law Attorney by the National Elder Law Foundation*

Information and articles from our website are presented as a public service by the Stinson Law Firm, LLC. We help our clients protect their assets and access long-term care assistance. This article is general in nature and is not to be taken as legal advice to any particular person. Consult an attorney for specific legal advice for your circumstance.