



VETERAN'S DISABILITY PENSION PROGRAM

Benefit Description

The Non-Service Connected Disability Pension is a Department of Veterans' Affairs benefits program that provides financial support to wartime veterans having limited or no income. The amount that is payable under this program depends on the type and amount of income the veteran and family members receive from other outside sources. Monthly payments are made to bring a veteran's total annual income (including other retirement and Social Security income) to an established support level. This level is the National Poverty level set by Congressional law. (un-reimbursed medical expenses may reduce countable income).

Permanently and Totally Disabled

For the purposes of this benefit, a personal must be considered to be permanently and totally disabled and unemployable as a result of a disability reasonably cert to continue throughout the life of the disabled person OR;

- Suffering from any disability which is sufficient to render it impossible for the average person to follow a substantially gainful occupation, but only if is reasonably certain that such disability will continue throughout the life of the disabled veteran OR;
 - Suffering from any disease or disorder determined by the VA Secretary to be of such a nature or extent as to justify a determination that persons suffering are permanently and totally disabled; OR
- Is a patient in a nursing home for long-term care because of disability; OR
- Is disabled, as determined by the Social Security Administration (SSA) for the purpose of benefits administered by the SSA, OR
- Is unemployable, as a result of suffering from any disability which is sufficient to render it impossible for the average person to follow a substantially gainful occupation, but only if it is reasonable certain that such disability will continue throughout the life of the person, or otherwise justifying a determination of permanent and total disability.



Eligibility Requirements

Generally, veterans are eligible if:

- The veteran was discharged from the military service under conditions other than Dishonorable, AND
- The veteran served at least 90 days of active military service of which 1 day was during a *war time* period. If you entered active duty after 7 September 1980, generally you must have served a minimum of 24 months or the full period for which called or ordered to active duty AND
- The veteran's countable family income is below a yearly limit set by Federal Law (the yearly limit on income is set by Congress), AND
- The veteran is 65 years of age or older, OR, you are permanently and totally disabled, not due to your own willful misconduct.

As you can see, there are a number of criteria that may affect your eligibility to a NSC Pension benefit. If you are unsure if you meet all the criteria, the Kings County Veterans Service Office encourages you to go ahead and come to the office and see if you qualify, particularly if your countable income appears to be near the maximum.

What is Countable Annual Income?

In determining annual income under the regulations of NSC Pension, all payments of any kind or from any source (including salary, retirement or annuity payments, or similar income, which as been waived, irrespective of whether the waiver was made pursuant to statute, contract, or otherwise) shall be included except the following:

- Donations from public or private relief or welfare organizations;
- Such veteran's just debts;



- The expenses of such veteran's burial to the extent such expenses are not reimbursed;
 - By the spouse of a living veteran or the surviving spouse of a deceased veteran for the last illness and burial of a child of such veteran;
 - Profit realized from the disposition of real or personal property other than in the course of a business;
 - Amounts in joint accounts in banks and similar institutions acquired by reason of death of other joint owner;
 - Reimbursements of any kind for any casualty loss, but the amount excluded under this clause may not exceed the greater of the fair market value or reasonable replacement value of the property involved at the time immediately preceding the loss;
 - Amounts paid for tuition, fee, books, and materials while attending classes of higher Education.

In the case of such a veteran or surviving spouse in need of regular aid and attendance, unreimbursed amounts paid for unusual transportation expenses in connection with the pursuit of such course of education or vocational rehabilitation or training, to the extent that such amounts exceed the reasonable expenses which have been incurred by a nondisabled person using an appropriate means of transportation (public transportation, ie, reasonably available);



What is Aid and Attendance?

Aid and Attendance is a benefit paid in addition to a monthly pension. This benefit is a **NON-TAXABLE** income received by the veteran in addition to his/her NSC Disability Pension payments. This benefit **WILL NOT** be paid without eligibility to a NSC Disability Pension. A veteran may be eligible for A&A when:

- The Veteran requires the aid of another person in order to perform personal functions required in their everyday living, such as bathing, feeding, dressing, attending to the wants of nature, adjusting prosthetic devices, or protecting himself/herself from the hazards of his/her daily environment, OR
- The Veteran is bed ridden, in that his/her disability or disabilities requires that he/she remain in bed apart from any prescribed course of convalescence or treatment, OR
- The Veteran is a patient in a nursing home due to mental or physical incapacity, OR
- The Veteran is blind, or so nearly blind as to have corrected visual acuity of 5/200 or less, in both eyes, or concentric contraction of the visual field to 5 degrees or less.

What is Housebound Status?

Housebound is a benefit paid in addition to a monthly pension. This benefit is **NON-TAXABLE** income received by the veteran in addition to his/her NSC Disability Pension payments. This benefit **WILL NOT** be paid without eligibility to a NSC Disability Pension. A veteran may be eligible for Housebound benefits when

- The Veteran has a single permanent disability rating evaluated as 100% disabling AND, due to the disability, he/she is permanently and substantially confined to his/her immediate premises, OR

- The Veteran has a single permanent disability rating evaluated as 100% disabling, AND, another disability, or disabilities, evaluated as 60% or more disabling.

A Veteran cannot receive both the Aid and Attendance and the Housebound benefits at the same time!

What is net worth?

Net Worth means the net value of the assets of the veteran, Spouse, or dependent children. It includes such assets as bank accounts, stocks, bonds, mutual funds and any property other than the veteran's residence and a reasonable lot area. There is no set limit on how much net worth a veteran and his dependents can have, but net worth cannot be excessive. The decision as to whether a claimant's net worth is excessive depends on the facts of each individual case. All net worth should be reported and the Veterans Administration will determine if a claimant's assets are sufficiently large that the claimant could live off these assets for a reasonable period of time. VA's needs-based programs are not intended to protect substantial assets or build up an estate for the benefit of heirs.

Are there any Exclusion's to income or deductions that may be made to reduce countable Income?

Yes, there are exclusions. The following are examples of what may be excluded:

- Public assistance such as Supplemental Security Income (SSI) is not considered as income.
- Many other specific sources of income are not considered income, however, all income should be reported for screening purposes. The VA will exclude any income that the law allows.
- A portion of unreimbursed medical expenses paid by the claimant after VA receives the claimant's pension claim may be deducted. (these expenses you have paid for medical services or products for which you will not be reimbursed by Medicare or private medical insurance, as well as nursing home costs, or assisted living expenses).



How Does the VA calculate your Pension?

Your annual pension is calculated by first totaling all your countable income. Then the VA will deduct any and all legitimate deductions from your countable income. The remaining countable income is deducted from the appropriate annual pension limit which is determined by the number of your dependents, if any, and whether or not you are entitled to housebound or aid and attendance benefits. The amount is then divided by 12 and rounded down to the nearest dollar. This will give you the amount of your monthly NSC Disability Pension amount. The following is the Annual Maximum Pension Rates to be used in the Calculations:

IMPROVED DISABILITY BENEFITS PENSION RATE TABLE (EFFECTIVE 12/1/2009)	
	Max Amount
Veteran Only:	\$11,830
Veteran with One Dependent:	\$15,493
Veteran Housebound Without Dependent:	\$14,457
Veteran Housebound with One Dependent:	\$18,120
Aid and Attendance with out Dependent:	\$19,736
Aid and Attendance with One Dependent:	\$23,396
Two Veterans Married to Each Other:	\$15,493
Each Additional Child:	\$2,020

What Supporting Documents Will I Need To Provide If I File a Claim?

- A Copy of all your DD-214's or Record of Separation from the Military.
- A Copy of your marriage certificate (if currently married).
- A Copy of your spouse's social security card.
- A Copy of all your children's birth certificate's (if they are your current dependents and you are claiming them on your Federal Tax returns).
- A Copy of all your children's social security cards (if they are your current dependents and you are claiming them on your Federal Tax returns).
- A Copy of your divorce decree (if you are currently divorced).
- A Copy of you spouses death certificate if deceased.
- A Copy of all income statements, annuities, retirements.
- A Copy(s) of all medical bills and non-reimbursed medical medications.

Questions / Notes:
