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Veteran's Pension Programs

The Department of Veterans Affairs ("VA") provides a variety of benefits for veterans and their family members. A VA pension is a needs based program which provides financially eligible veterans with additional tax-free funds to help pay for expenses. Generally, to qualify the veteran must have served during a period of war and be sixty-five (65) years of age or older. In addition, the veteran must either be disabled, be a patient in a nursing home receiving skilled care, receive Social Security Disability or receive Supplemental Security Income. The surviving spouse of a veteran, may also qualify for a survivor's pension provided he or she was married to the veteran at the time of the veteran's death. However, the surviving spouse does not qualify if he or she remarries. The veteran must have met all of the required wartime service criteria.

In addition to pension benefits, the VA affords qualifying veterans or a surviving spouse "Aid and Attendance" benefits. To qualify for Aid and Attendance benefits, the veteran or surviving spouse must be eligible for a VA pension or survivor's pension as described above. The Aid and Attendance benefit allows for the veteran/spouse to receive an additional monetary payment if the applicant meets one of the three following requirements: (1) the applicant is bedridden or requires assistance with the activities of daily living, such as bathing, grooming, dressing, toileting, feeding or transferring from chair to bed or toilet; (2) the applicant is a patient in a nursing home due to mental or physical incapacity; or (3) the applicant is legally blind.

In addition to the requirements listed above, there are maximum income and asset allowances under which the applicant's household must fall. These income and assets allowances differ greatly from the income and resource allowances under Medicaid. Too often, mistakes are made in the planning process that result in an unintended disqualification for one or another of the benefits for which the veteran hopes to be eligible.

If you or a loved one requires assistance at home and hope to secure benefits from either Medicaid or the VA, it is important to ensure that the estate plan strictly adheres to the eligibility requirements for both. In order to receive benefits from both the VA and Medicaid, it is important to sit down with an experienced estate planning attorney, familiar with planning for both Medicaid and VA benefits, who can advise you on asset protection planning to meet all of your needs.