



V.A. Benefits and Resources

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Dec. 11, 2019

Mission of Pro Bono Partnership of Atlanta:

To provide free legal assistance to community-based nonprofits that serve low-income or disadvantaged individuals. We match eligible organizations with volunteer lawyers from the leading corporations and law firms in Atlanta who can assist nonprofits with their business law matters.

Pro Bono Partnership of Atlanta Eligibility & Other Information

- In order to be a client of Pro Bono Partnership of Atlanta, an organization must:
 - ✓ Be a 501(c)(3) nonprofit.
 - ✓ Be located in or serve the greater Atlanta area.
 - ✓ Serve low-income or disadvantaged individuals.
 - ✓ Be unable to afford legal services.
- *Visit us on the web at www.pbpatl.org*
- We host free monthly webinars on legal topics for nonprofits
 - ✓ To view upcoming webinars or workshops, visit the [Workshops Page](#) on our website
 - ✓ Join our mailing list by emailing rla@pbpatl.org

Legal Information

- This webinar presents general information regarding V.A. benefits and resources and should not be construed as legal advice. Always consult an attorney to address your particular situation.
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U.S. Dept. of Veterans Affairs

Veterans Benefits Administration

- Education and training
- Home loan guarantees
- Burial benefits
- Life insurance
- Income support

Veterans Health Administration

- Hospitals
- Prescription benefits
- Dental services
- Counseling
- Nursing homes and community care

Monetary / “Cash” Benefits

Disability

Compensation

- Service-connected disability or illness
- No income or asset eligibility criteria

Pension

- Non-service connected disability or illness
- OR
- Veterans 65 and older
- Low income and low net worth (needs based)

Disability Compensation

Who Is Eligible?

- Service-connected disability –injuries or diseases that occurred **while on active duty**, or made worse by active military service*.
- Discharged under “other than dishonorable conditions”*
- No income or asset criteria
- Assigned a discharge percentage rating from 0-100%; benefits start at 10%*
- Pre-discharge planning process

*There is a list of “presumed disabilities”

*Veterans can apply for a discharge “upgraded” within 15 years of discharge

*Can request increase in percentage/appeal decision

Pension*

Who Is Eligible?

- 65 years or older; OR
- permanently and totally disabled (where disability is not due to willful misconduct); OR
- patient in a nursing home receiving skilled care; OR
- receiving SSDI; OR
- receiving SSI
- Veteran served at least 90 days of active military service 1 day of which was during a war time period*.
- Discharged from service under conditions “other than dishonorable”
- Income is below a yearly limit set by Congress,

*Not the same as a “military” pension!

*Mexican Border War, WWI, WWII, Korean War, Vietnam War, Gulf War; no “boots on the ground requirement”

Pension Cont.

V.A. Aid and Attendance

- May be added to your monthly pension amount if you meet one of the following:
 - You require the aid of another person in order to perform personal functions required in everyday living, such as bathing, feeding, dressing, attending to the wants of nature, adjusting prosthetic devices, or protecting yourself from the hazards of your daily environment
 - You are bedridden, in that your disability or disabilities requires that you remain in bed apart from any prescribed course of convalescence or treatment
 - You are a patient in a nursing home due to mental or physical incapacity
 - Your eyesight is limited to a corrected 5/200 visual acuity or less in both eyes; or concentric contraction of the visual field to 5 degrees or less

Pension Cont.

V.A. Housebound

- May be added to your monthly pension amount if:
 - You are substantially confined to your immediate premises because of permanent disability.

Pension Cont.

Max Benefit Payout *and* Max Allowable Income

Pension

- Single - \$13,752/yr, \$1,146/mo
- Veteran + 1 dependent (spouse or child) - \$18,008/yr, \$1,500/mo

Pension + Additional Benefits (2019)

- VA Aid and Attendance (assistance with daily living)
 - Single - \$22,939/yr, \$ 1,911/mo
 - Veteran + 1 dependent (spouse or child) - \$27,195/yr, \$ 2,266/mo
- VA Housebound (assistance with in home care, 100% disabled)
 - Single - \$16,805/yr, \$1,400/mo
 - Veteran + 1 dependent (spouse or child) - \$21,063/yr, \$1,755/mo

*Can change depending on number of dependents and veteran status of the married couple

*Can deduct medical expenses exceeding 5% of Maximum Annual Pension Rate (MAPR)

Issues

- Veterans cannot receive both!
 - If Veteran thinks he or she is eligible for both, apply for both at the same time.
 - If V.A. finds that veteran is eligible for both then it will award whichever benefit is the greater amount.
- Offset issues
 - Can receive V.A. Disability Compensation and SSDI (neither are needs based)
 - V.A. Pension may be reduced or eliminated if receiving SSDI or SSI (Pension and SSI are needs based)
 - Cannot receive V.A. Disability Compensation and Aid and Attendance

Issues Cont.

➤ Overpayment

- If a Veteran receives V.A. cash benefits when he or she is ineligible, then this may create a V.A. overpayment.
- A V.A. overpayment is a debt owed to the V.A. equal to the amount of benefits the Veteran received while he or she was ineligible.
- If an overpayment is assessed, then the Veteran can appeal the decision, negotiate the debt, and/or enter into a repayment plan.
 - Failure to do any of the above may result in the V.A. sending the debt to the U.S. Treasury, which can then garnish wages or even Social Security Benefits

V.A. Disability Indemnity Compensation – For Spouses

Requirements

- Married to a Service member who died on active duty, active duty for training, or inactive duty training, OR
- Validly married the Veteran before January 1, 1957, OR
- Married the Veteran within 15 years of discharge from the period of military service in which the disease or injury that caused the Veteran's death began or was aggravated, OR
- Was married to the Veteran for at least one year, OR
- Had a child with the Veteran, AND
- Cohabited with the Veteran continuously until the Veteran's death or, if separated, was not at fault for the separation, AND
- Is not currently remarried

V.A. Disability Indemnity Compensation Cont.

Evidence Required

- The Service member died while on active duty, active duty for training, or inactive duty training, OR
- The Veteran died from an injury or disease deemed to be related to military service, OR
- The Veteran died from a non service-related injury or disease, but was receiving, OR was entitled to receive, VA Compensation for service-connected disability that was rated as totally disabling
- For at least 10 years immediately before death, OR
- Since the Veteran's release from active duty and for at least five years immediately preceding death, OR
- For at least one year before death if the Veteran was a former prisoner of war who died after September 30, 1999

V.A. Survivors Pension

Requirements

- For service on or before September 7, 1980, the Veteran must have served at least 90 days of active military service, with at least one day during a war time period.
- If he or she entered active duty after September 7, 1980, generally he or she must have served at least 24 months or the full period for which called or ordered to active duty with at least one day during a war time period.
- Was discharged from service under other than dishonorable conditions.
- Countable income is below the Maximum Annual Pension Rate

V.A. Survivors Pension Cont.

Pension

- Single - \$9,078/yr, \$756/mo
- Veteran + 1 dependent (spouse or child) - \$12,072/yr, \$1,006/mo

Pension + Additional Benefits (2019)

- VA Aid and Attendance (assistance with daily living)
 - Single - \$14,509/yr, \$ 1,209/mo
 - Veteran + 1 dependent (spouse or child) - \$17,586/yr, \$ 1,465/mo
- VA Housebound (assistance with in home care, 100% disabled)
 - Single - \$11,095/yr, \$924/mo
 - Veteran + 1 dependent (spouse or child) - \$14,116/yr, \$1,176/mo

*Can deduct medical expenses exceeding 5% of Maximum Annual Pension Rate (MAPR)

Non-Cash Benefits

Education, Training, and Upskilling

- Education and career counseling
- Education and training benefits
 - Post-9/11 G.I. Bill
 - Montgomery Bill (active duty)
- Upskilling
 - Career training

Economic Opportunities

- Assistance with job finding
- Federal preference
- Small business assistance
- Vocational Rehab and Employment Benefits

Non-Cash Benefits Cont.

Estate Planning

- V.A. life insurance
 - Disability insurance extension
 - Mortgage insurance
- Memorial benefits
 - Burial
- Survivor and Dependent Education Benefits
 - Scholarships
 - Education Assistance Program
- Survivor Benefits
 - Dependency and Indemnity Compensation
 - Survivors Pension

Non-Cash Benefits Cont.

Housing Benefits

- V.A. Home Loan Guaranty
- Housing Grants for Disabled Veterans
 - Specialty Adapted Housing
 - Special Housing Adaptation
 - Home improvements and structural changes

Homeless Resources

- Homeless call center: 1-877-4AID-VET
- Employment training and opportunities
- Emergency healthcare
- HUD-VA Supportive Housing (HUD-VASH)
- Supportive Services for Veteran Families (SSVF)

Medical Benefits

Eligibility

- Served in the active military, naval, or air service **and** were honorably discharged or released
- Reservist or National Guard member called to active duty by a Federal Order (not training) **and** completed the full call-up period
- Minimum Duty Requirements (24 months) for “younger” Veterans

Female Veterans

- Specific point-person: 404-321-6111 ext. 2222

Applying for Cash Benefits

A long process!

- **Difficult** for many veterans to read and understand
- Require **supporting documents that may be difficult to obtain or track down** (medical records, service records, marriage certificates, etc)
- Requires **sophisticated understanding the of the laws and regulations** governing benefits and the VA's processing of benefits.

Application Assistance

Veterans Service Organizations:

- Assist veterans with gathering documents, information, evidence required to support claim for federal VA benefits
- Good place to send veterans who are low-income and who have a non-service connected disability
- <https://veterans.georgia.gov/field-offices>
- Atlanta Regional Benefit Office
 - 1700 Clairmont Road, Decatur, GA 30033
 - Phone: 800-827-1000

Application Assistance Cont.

Private Attorneys

- Cannot charge for helping veterans prepare an application.
 - Once veteran is denied benefits and files an appeal, the a private attorney can charge a fee.

State Bar of Georgia's Military Legal Assistance Program

- Priority: active duty service members
- Veterans: limited to claims involving service-connected disability benefits
(do no refer if veteran does not have a service connected disability)
- Christopher Pitts (Director)
 - Phone: 404-527-8765
 - Email: MLAP@gabar.org

Application Assistance Cont.

Emory Veterans Law Clinic

- To initiate service with the clinic, you can contact the clinic directly at 404.727.1044 or be referred by one of the following organizations:
 - The Military Legal Assistance Program Committee of the Georgia Bar
 - The Veterans Legal Clinic at the Veterans Administration Hospital in Decatur
 - Practicing attorneys who serve as mentors for Emory Law students
 - National Veterans Legal Service Program (NVLSP)
 - Veterans Consortium Pro Bono Program (www.vetsprobono.org)
 - Service organizations including the American Legion, VFW, DAV, and Georgia Vietnam Veterans Alliance
 - Service Women's Action Network (SWAN) (www.servicewomen.org)
 - Atlanta Vietnam Veterans Business Association

By law, an individual **must** be accredited by the VA as an agent, attorney, or representative of a VA-recognized veterans service organization to assist in the preparation, presentation, and prosecution of a claim for VA benefits. 38 U.S.C. § § 5901-5902, 5904; 38 C.F.R. § 14.629

Questions?



For More Information:

If you would like more information about the services of Pro Bono Partnership of Atlanta, contact us at:

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