Veterans Disability Compensation. The Department of Veterans Affairs (VA) offers a service-connected disability benefit paid monthly if you suffer from a disability incurred in or aggravated by your military service. You are eligible if you have an honorable or general under honorable conditions discharge. The VA decides eligibility on a case by case basis for veterans with other than honorable discharges. Those with dishonorable discharges are not entitled to compensation benefits.

The VA evaluates service-connected disabilities from 0% to 100%. A veteran with a 0% evaluation gets no monthly benefit for that condition. A veteran without dependents with a 10% evaluation is paid $136 per month. A veteran with a 100% evaluation receives $2,973 per month. Additional benefits are paid if you have a spouse and/or child (under age 18 or 26 if the child is in school). These benefits are tax free.

Disabilities that affect a veteran’s lifestyle may result in higher monthly payments. For example, additional benefits above 100% are paid to veterans who are housebound or are in need of aid and attendance because of their service connected conditions. Extra benefits, called “special monthly compensation,” are paid to veterans who through service lost one or more limbs or hearing or eyesight. Veterans who are not evaluated as 100% disabled can be paid at the 100% rate if the VA determines that their service-connected conditions, without consideration of their age or non-service-connected disabilities, cause them to be unable to perform substantial gainful employment.

The VA encourages you to apply online at www.vets.gov [1]. Submit copies of military and civilian medical evidence, your discharge paperwork, and anything else you may think is necessary. For fastest service, apply using VA Form 21-526 EZ.

Non-Service-Connected Disability (or Age) Pension. Veterans who served during congressionally defined wartime and who are permanently and totally disabled from a cause or causes not solely related to their military service may be eligible for pension benefits. Being aged 65 or over is defined for purposes of a VA pension as being totally disabled.

VA-recognized wartime periods to determine eligibility include:

- Gulf War (August 2, 1990–through a future date to be set by law or Presidential proclamation);
- Vietnam era (February 28, 1961–May 7, 1975 for veterans who served in the Republic of Vietnam during that period; otherwise August 5, 1964–May 7, 1975);

Pension benefits are awarded based both on disability and income. Pension pays much less for a total disability than the above-described Veterans Disability Compensation program pays. The VA also reduces the VA pension payment dollar-for-dollar for any countable income you may have.

There are five eligibility requirements for a pension:

1. You must be discharged under other than dishonorable conditions.
2. If you enlisted in military service for the first time on or after September 8, 1980, you must have completed a minimum period of service, either twenty-four months of continuous active duty or the full period for which you were called or ordered to active duty. You must also have active service that included a total of ninety days during one or more periods of war; ninety or more consecutive days, one of which was during a period of war; or at least one day of wartime service that resulted in a discharge for a service-connected disability.
3. You must have limited income and a net worth that does not provide adequate maintenance (referred to as “the need test”).
4. You must be permanently and totally disabled at the time of the application for pension. Veterans age 65 and older are considered permanently and totally disabled for VA pension purposes.
5. The permanent and total disability must not be due to willful misconduct of the veteran.

The maximum annual pension rate for a single veteran is $13,166. If the veteran is so disabled that he or she needs aid and attendance, the maximum annual rate is $21,962. Other income you may have is deducted from those amounts dollar for dollar. If a veteran’s income is above the maximum pension rate, the pension claim will be denied. In computing your income, the VA will deduct some medical expenses.

You can apply by filling out VA Form 21-527EZ, Veteran’s Application for Pension. If available, attach copies of dependency records (marriage and children’s birth certificates) and current medical evidence (doctor and hospital reports). You can also
apply online at www.vets.gov/pension/application/527EZ/introduction [2]. For assistance call 800-827-1000.

For more information, Visit www.nvlsp.org [3] to learn more about entitlement to VA disability benefits. Another good overview is the National Veteran Legal Services Project’s Online Basic Training Course available online for purchase at https://nvlspbasictrainingcourse.com. The National Veterans Legal Services Project also authors a 1900 page comprehensive review of VA benefits, the Veterans Benefits Manual, published by LexisNexis.

Source: National Consumer Law Center, Surviving Debt [50th NCLC Anniversary Edition], updated at www.nclc.org/library
Source URL: https://library.nclc.org/sd/0906

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