

Top Secret Military Benefits

Aid and attendance benefits are one of this country's best kept military secrets.

Available through the Veteran's Administration, aid and attendance covers home care, assisted living, and nursing home care for veterans and their spouses who meet the program's eligibility requirements.

To qualify, a veteran must have 90 consecutive days of active duty with at least one day during war-time, must have received a discharge that wasn't dishonorable, must meet the income and asset tests, and must be disabled.

Although these eligibility requirements may seem onerous, they are easily met and worth the effort. The monthly A and A benefit is \$1,801 for a married veteran, \$1,470 for a single veteran, and \$976 for a veteran's spouse.

By some estimates, as much as thirty percent of the US population over the age of sixty-five would qualify for A and A benefits if they required in-home or institutional care. Yet only one in four eligible veterans and only one in seven surviving spouses are currently taking advantage of them.

So why the big secret?

Some say it's because the government doesn't advertise its programs. Others argue that the recent interest in A and A benefits, which have been around for decades, is the result of the current astronomical cost of long-term care.

To qualify, you don't need to be wounded in battle or have a service-related disability. The disability requirement is automatically met for applicants over the age of sixty-five.

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To meet the one-day of war-time service requirement, the veteran must have been in the military (even if it was peeling potatoes in North Carolina) during a time of war. For World War II the relevant dates are December 7, 1941 to December 31, 1946; for the Korean Conflict, June 6, 1950 to January 31, 1955; the Vietnam War February 28, 1961 to May 7, 1975; and the Persian Gulf War from August 2, 1990 to present.

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The number of Vietnam-era veterans 65 and older alone is projected to increase six-fold, to 5.2 million, over the next decade, according to the Congressional Research Service of the Library of Congress.

To meet the asset and income test, the veteran must have household assets of less than \$80,000 and countable income of less than \$21,615 for a couple and \$18,234 for a single. Although these limits may seem prohibitively low, for reasons explained below, they are easily met by virtually anyone who needs assisted living or nursing home care.

As with Medicaid, the applicant's home and car are

not counted toward the \$80,000 asset limit. Unlike Medicaid, which has a five-year look-back period, the A and A program has no look-back period or penalty for divestment. In other words, assets may be gifted to a loved one (other than the veteran's spouse) at any time prior to application in order to reduce assets to below \$80,000.

Before divesting, however, be aware that VA divestment could disqualify you for Medicaid benefits. You should consult with an elder law attorney to determine which federal program is most beneficial to you given your unique circumstances.

For purposes of eligibility, the law permits a deduction from income for the cost of a number of un-reimbursed medical items including the full cost of assisted living or long term care.

The extremely high cost of assisted living and nursing home care allow all but the wealthy to meet the VA income requirement. For example, a couple earning \$75,000 per year with only one spouse in a nursing home paying \$72,000 annually for care (which is the average annual cost in Michigan) would have only \$3,000 of countable income, and would therefore easily meet the income requirement.



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A number of documents must be included with the A and A application, including discharge papers, marriage certificates, and documentation of all income and assets. Applications submitted without proper documentation delay the already long two-to-eight-month application process.

To avoid rejection, it is extremely important that you satisfy the income and asset requirements at the time of filing. The good news is that benefits are awarded retroactively to the first day of the month following the date of initial application.

Except for those with the foresight to have purchased long-term care insurance, A and A benefits may be the only source of funds to allow a veteran or a veteran's spouse to receive in-home care.

To learn more about VA benefits, you can contact the VA at 1-800-827-1000, go to www.mich.gov/mva, www.va.gov, www.macvc.net, www.nvlsp.org, or contact a qualified elder law attorney in your area.

Contact attorney Mark Accettura at (248) 848-9409.