

# VA



**U.S. Department of Veterans Affairs**  
Veterans Benefits Administration

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## **Pension Program and Representation**

### **What Veterans and their Families Need to Know When Applying for Pension Benefits**

As you consider applying for pension benefits, use the following information as guidance.

#### **What Are Pension Benefits?**

**Pension** is a needs-based benefit. It is paid to wartime Veterans with financial needs and their survivors. If you are a Veteran, you are eligible for pension if all of the following are true:

- You were discharged from service under other than dishonorable conditions, AND
- You served 90 days of active duty with at least one day during wartime\*, AND
- Your countable income is below the maximum annual pension rate (MAPR), AND
- You meet net worth limitations, AND
- You meet **one** of the following criteria:
  - You are age 65 or older.
  - You have a permanent and total nonservice-connected disability.
  - You are a patient in a nursing home due to mental or physical incapacity.
  - You are receiving Social Security disability benefits.

\*Veterans who entered active duty after Sept. 7, 1980, must serve at least 24 months of active-duty service. If the length of service is less than 24 months, the Veteran must have completed their entire tour of active duty.

To learn more about VA Pension benefits, please visit <https://www.va.gov/pension/>.

For the current MAPR, see the Veterans Pension Rate Table at [https://www.benefits.va.gov/PENSION/current\\_rates\\_veteran\\_pen.asp](https://www.benefits.va.gov/PENSION/current_rates_veteran_pen.asp).

**Aid and Attendance (A&A)** is an increased monthly pension amount. It can be paid to a Veteran, surviving spouse, or parent receiving Dependency and Indemnity Compensation (DIC). You may be eligible for A&A if you are eligible for basic pension benefits and **one** of the following is true:

- You require aid to perform daily living activities.
- You are bedridden.
- You are a patient in a nursing home due to mental or physical incapacity.
- You have corrected visual acuity of 5/200 or less in both eyes.
- You have concentric contraction of the visual field to five degrees or less.

**Housebound** is an increased monthly pension amount. It is paid to a Veteran or surviving spouse who is confined to their home because of a permanent disability. You may be eligible for Housebound benefits if you are eligible for basic pension benefits and **one** of the following is true:

- You have a 100 percent disabling permanent disability. Due to this disability, you are confined to your home.
- You have one disability evaluated as 100 percent disabling and another evaluated as at least 60 percent disabling.

## **What Organizations Offer Assistance with Claims for Pension Benefits?**

**The U.S. Senate Special Committee on Aging** found some organizations misrepresent themselves while helping Veterans and survivors apply for pension:

- In June 2012, the Committee held a hearing to address concerns about these organizations. They marketed financial products and services to help claimants whose assets exceed the net worth limitations for pension benefits.
- The Committee also learned these organizations charge substantial fees. Their services may not always be in claimants' best interest long-term.

**The U.S. Government Accountability Office (GAO)** published a report titled, “Veterans’ Pension Benefits: Improvements Needed to Ensure Only Qualified Veterans and Survivors Receive Benefits.” You can access GAO-12-540 here:

<http://www.gao.gov/assets/600/590847.pdf>. GAO found that:

- More than 200 organizations exist to help pension claimants with excess assets meet financial eligibility requirements for pension benefits.
- These organizations are primarily run by financial planners and attorneys. They offer products such as annuities and trusts.
- Some products and services may not be suitable for elderly Veterans. This is because they may not be able to access all of their funds without incurring high withdrawal fees.
- These products and services may result in temporary Medicaid ineligibility.
- Some organizations charge fees. These can range from a few hundred dollars up to \$10,000.

## **Who Helps File Claims for VA Pension?**

An individual who is accredited by the VA can help you prepare, present and prosecute a claim for VA benefits. VA accreditation is necessary to ensure claimants have responsible, qualified representation. The VA accredits three types of people:

- Representatives of VA-recognized Veteran Service Organizations
- Independent claims agents
- Private attorneys

There is a one-time exception to this rule. The VA will authorize a person to prepare, present and prosecute **one** claim without accreditation. The assistance:

- Must be without cost to the claimant
- Must be subjected to the same laws governing representation
- May not be used to evade accreditation requirements

Preparation and presentation of a VA claim includes:

- Gathering the information necessary to file the claim
- Completing claim applications
- Submitting claim information to VA
- Communicating with VA on behalf of a claimant

A VA-accredited attorney or claims agent, who is also a financial planner, can assist with a claim for A&A. However, they may not use their VA accreditation to promote or sell financial products. If VA determines an accredited attorney or agent is using VA accreditation improperly, VA may suspend or cancel accreditation.

Visit eBenefits to search and appoint an accredited representative:

<https://www.ebenefits.va.gov/ebenefits/manage/representative>

## **Can Accredited Attorneys or Claims Agents Charge Fees for Preparing a Claim for A&A?**

No. A claimant can only be charged after one of the following:

- An agency of original jurisdiction, like a VA regional office, issues a decision.
- A notice of disagreement is filed.
- The attorney or agent files a power of attorney and fee agreement with VA.

An exception applies when an accredited attorney or claims agent receives a fee from a disinterested third party. A disinterested third party cannot benefit financially from the successful outcome of the claim.

Additionally, some individuals charge a pre-filing consultation fee to inform Veterans or survivors about available VA benefits:

- In certain states, charging a fee for a consultation requires a license to practice law.
- Consultation fees are unlawful if charged after a Veteran or survivor becomes a VA claimant by expressing intent to file for VA benefits.
- Consultation fees may not be tied to outcomes. An attorney or agent cannot agree to refund the fee if VA denies the claim.
- VA-recognized Veteran service organizations and their accredited representatives are not permitted to receive fees for helping with VA claims.
- Improperly charging a fee for preparing, presenting or prosecuting a claim prior to the filing of a notice of disagreement may result in the VA suspending or canceling accreditation.

## **Can Accredited Attorneys or Claims Agents Offer Guarantees?**

An accredited attorney or claims agent cannot guarantee that a claimant will be awarded A&A or that their claim will be expedited. VA is the ultimate decision-maker, so this promise would be misleading. Misleading or deceiving a claimant regarding benefits could lead VA to suspend or cancel accreditation.

For more information, visit <https://www.benefits.va.gov/vso/> or call 800-827-1000.