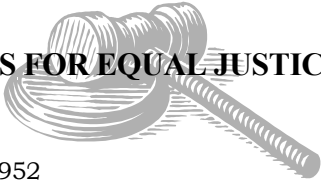


LAWYERS FOR EQUAL JUSTICE



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Veterans Pension Benefits

The Department of Veterans Affairs (VA) administers two major VA disability benefits programs for veterans: compensation and pension. The VA pension benefits are designed to supplement the income of disabled veterans who had to give up career opportunities while they served their country in times of war.

The eligibility criteria for pension benefits require that the veteran:

1. Be discharged under other than dishonorable conditions.
2. Have served actively served for specific time periods during a designated period of war.
3. Have limited income and a net worth not sufficient to provide adequate maintenance.
4. Be totally and permanently disabled or over 65 at the time of the application for a pension.
5. If totally and permanently disabled, the disability must not be due to willful conduct.

Income and Asset Limits: the VA pension benefits program is a needs based program. If an otherwise eligible veteran's countable income exceeds the maximum annual pension rate, the veteran will not receive any benefits. If the eligible veteran's countable income does not exceed the annual pension rate, the VA will reduce the pension rate dollar for dollar by the amount of the veteran's countable income to determine the amount of veterans pension benefits provided.

The veteran's net worth also can affect eligibility for pension benefits. A number of factors are considered including whether property can be easily converted to cash; the veteran's life expectancy; the number of dependants the veteran has; and the potential rate of depletion of the assets including for unusual medical expenses. **Except for very old age, the VA usually does not deny claims where the net worth is under \$80,000.**

Disability and Age: The veteran will be considered permanently and totally disabled if the veteran is any of the following:

1. A patient in a nursing home for long term care because of a disability.
2. Disabled as determined by the Social Security Administration.
- 3) Unemployable as a result of a disability reasonably certain to continue throughout the life of the veteran.
- 4) Suffering from (A) any disability which is sufficient to render it impossible for the average person to follow a substantially gainful occupation but only if it is reasonably certain that such disability will continue throughout the life of the veteran; or (B) any disease or disorder determined by the Secretary to be of such a nature or extent as to justify a determination that persons suffering therefrom are permanently of totally disabled.

Since 2001, **no disability rating has been required when a veteran 65 or over applies for pension benefits** because veterans aged 65 and over are conclusively presumed to be permanently and totally disabled for pension purposes.

Willful Misconduct: Willful misconduct is defined as involving “deliberate or intentional wrongdoing with knowledge of or wanton disregard of its probable consequences”. Regulations also indicate that willful misconduct is an act involving conscious wrongdoing or known prohibited action. Acting unwisely does not amount to willful misconduct. There is a “presumption “that an injury or death suffered while an individual is on active service is “incurred in the line of duty” and is not the result of willful misconduct. There are a variety of specific regulations which address the effect of alcoholism and drug abuse on eligibility for pension benefits. **Alcohol and/or drug abuse which is secondary to a service-connected medical condition may not be exclusion to the receipt of pension benefits.**

Current Pension Rates:

Veteran without a spouse or child_____	\$11,181
Veteran with one dependant_____	\$14,643
Veteran housebound without dependants_____	\$13,644
Veteran housebound with one dependants_____	\$17,126
Veteran needing regular aid and attendance, no dependant_____	\$18,654
Veteran needing regular aid and assistance, one dependant_____	\$22,113
Increase for each dependant child_____	\$1,909

About Lawyers for Equal Justice

Lawyers for Equal Justice (LEJ) was created in 2003 as a non profit, 501(c)(3) law firm that would focus on advocating on behalf of low income individuals and families in Hawai`i on civil legal issues of statewide importance. Initial funding to support LEJ’s vision came from a two year grant of \$55,000 from the Hawaii Community Foundation’s Capacity Building Grant process.

LEJ’s core mission is to help our clients gain access to the resources, services and fair treatment that they need to realize their opportunities for self achievement and economic security. Central to our mission are the core values held by most people in Hawai`i, such as fairness, opportunity, community, partnership, responsibility and ensuring equal access to justice for low-income residents in Hawai`i.

LEJ staff can be a strong advocate for veterans trying to access a variety of Veterans Administration benefits available to support their housing, training, health and income needs as they struggle to regain control of their lives during times of crisis.

Contact us on Oahu at 808 587 7605.