

## **"Connection to Income: Benefits Payments through VA and SSA"**

*August 5, 2014*

### *Webinar Fact Sheet*

- Do not be afraid to connect veterans to benefits and employment services at the same time! A homeless veteran receiving benefits and going back to work is more likely to find an open door to step into housing and stability more seamlessly.
- Feel empowered to engage more substantially with your VSO and community partners to this end. Use the tools provided by these partners to facilitate that open door.
- See ways to connect to resources to open up and improve partnerships with your local VSOs, specifically around the topic of claims and processing and connecting veterans to benefits.

### **Presentations**

Through the Veterans Administration, veterans are able to apply for two types of benefits: disability compensation and pension.

#### **Disability Compensation**

- If a veteran was disabled (including illness and injury) during active duty service they are eligible for disability compensation
  - o Ranked from 10% disabled to 100% disabled
  - o Tax free compensation
- Must be able to document that the injury/illness occurred during active duty (non-combat roles included)

#### **Pension**

- A veteran does not have a disability related to active duty service
- Aged 62/65 or older and has a disability not service connected
  - o Served 1 day during war time
  - o Or full time in service during a war

#### **VA & DAV**

- Encourages veterans to participate in vocational rehab and employment services
- VA may offer to retrain the veteran for employment
- DAV officers throughout the country to assist with filing claims and dealing with issues

<http://www.dav.org>

<http://www.benefits.va.gov/compensation/index.asp> - disability compensation information

<http://www.benefits.va.gov/pension/#7> - pension information

SOAR - SSI/SSDI Outreach, Access, and Recovery is sponsored by the Substance Abuse and Mental Health Services Administration (SAMHSA) to assist individuals with accessing Social Security benefits

## **SOAR**

- 65% of applicants who use the SOAR method get approved for Social Security benefits
- Supplemental Security Income (SSI)
  - o Needs based
  - o Limited income/benefits
  - o Associated with Medicaid
- Social Security Disability Income (SSDI)
  - o Medical evidence of physical/mental health that results in a functional impairment
  - o Can be employed but makes less than \$1070/month
- **100% Permanent & Total Vets Initiative**
  - o Expedites SSI/SSDI applications
  - o Needs documentation of 100% VA disabled
- **Wounded Warriors**
  - o If disability occurred during active duty after 10/1/2001

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## **Presenters**

**Paul Varela** is with the Disabled American Veterans. Paul was enlisted in the U.S Navy in October 1998 until honorably discharged due to service-connected disabilities in 2001. Currently, Paul is an Assistant National Legislative Director at the DAV Headquarters in Washington, D.C., appointed in July 2013. Prior to his current appointment, Paul was the Supervisor of DAV's National Service Office in Los Angeles from 2008-2013. There, he served as assistant supervisor from 2006-2008, and Associate National Service Officer from October 2002 until 2005.

Paul was elected by his peers to serve as President of DAV's National Guild of Attorneys in Fact from 2009 through 2011. He has held a variety of officer positions within the Guild. He was also a member of DAV's National Service & Advisory Committee (2007-2011) and served on several assignments at the Board of Veterans' Appeals in an appellate review capacity.

**Jen Elder** is a Senior Project Associate for the SSI/SSDI Outreach, Access, and Recovery (SOAR) Technical Assistance Center at Policy Research Associates, which works to increase access to Social Security disability benefits for individuals who are experiencing or at-risk of homelessness. Jen provides on-site technical assistance to twelve states, conducts trainings for case managers, and facilitates strategic planning forums for government and community stakeholders. Her areas of expertise include disability benefits for veterans, Social Security work incentives, and funding strategies for SOAR community programs. Jen is a military spouse, and is based at Fort Bragg, North Carolina.

*August 5, 2014*

*Q&A*

**Aid and Attendance and special monthly compensation, can they be covered?**

When you're speaking about Aid and Attendance, it applies to both disability compensation and pension. When you start talking about Aid and Attendance, you're dealing with your more seriously disabled veterans. May include loss of limbs or may not be able to take care of themselves or a combination to get them to the Aid and Attendance rate. Your basic rate of disability compensation is 0%-100% and Aid and Attendance is a special monthly compensation benefit. For the pension portion for Aid and Attendance, the same rules apply. The veteran who is eligible for Aid and Attendance under the pension program are the ones more in need. They would get a higher rate of pension. The rates of pension are \$10-12,000 a year and the Aid an Attendance rate is \$13-17,000 a year and again it is still income based. If they would receive an income from another source it would reduce their Aid and Attendance amount but as they are the Aid and Attendance umbrella, it allows them to receive additional payments from the pension program. Special Aid and Attendance rates for compensation, there is no offset. You can still receive any other income that comes in.

[http://benefits.va.gov/pension/aid\\_attendance\\_housebound.asp](http://benefits.va.gov/pension/aid_attendance_housebound.asp)

**Is Aid and Attendance considered includable or excludable income?**

It depends on who is asking the question for AA. VA will not look at AA and if they are getting income from another source. It would only apply for the care of the veteran who is on pension. If you're on both, there isn't a lot that isn't excluded for income purposes.

**Can veterans be eligible for both pension and disability?**

They are going to receive whichever is of the highest value. Disability compensation would be the better option if they have income coming in from another source. An example would be that if a veteran has a 30% for disability compensation purposes but the pension rate pays more, then the VA would switch them over to the pension rate so they get paid more monthly.

### **Regarding SSDI, does military service count as work quarters?**

Yes. Military service does count as work quarters. There is some great information that Social Security provides in a pamphlet depending on what period of service. For older veterans they had extra incentives in place, because originally it didn't back in the 1950's. Any current veteran who has been serving, they are paying into the system which makes them eligible for SSDI.

### **Is there a time limitation for applying for benefits or expiration with credible work history?**

That will depend. They encourage that anyone with individual cases to call Social Security so they can pull of their earnings record and give a concrete answer. And even if they are not eligible for SSDI, still encourage them to apply for SSI as they might be eligible for that program.

### **Regarding the pension – could you give more clarity eligibility?**

The VA issues payments in two lanes: compensation for injuries that result in military service and those veterans who are in need that served during a wartime period. Serving during a wartime period is the number one pre-requisite. They also need to have a disability that interferes with their ability to work. Pension will pay that veteran a set amount of money for a support. The VA says that because this person is disabled, because this person served during a wartime period, we are not going to leave them out to dry. The law allows VA to do that, to provide them with something. The caveat is that if a veteran is receiving SSDI there pension would be reduced by the amount they receive in SSDI. SSI would be excluded. They would not count that as income. All income that a veteran receives should be reported to the VA.

### **Does discharge status matter towards pension?**

It has to be under conditions of other than dishonorable.

### **Child Support obligations and how it relates to benefits**

You have what is called the opportunity for apportionment for veterans benefits. An individual making an application on behalf of themselves, their child or children with the veteran. Regardless of that the court says, that the veteran has to pay X amount of dollars in child care, that is not binding on the VA to make that payment. The VA will apportion a part of that veterans compensation or pension but not so much that it would cause undue hardship to the veteran. Because 99.9% of veterans have bank accounts if a court imposes child care and they are required to pay it, and someone goes after those bank accounts, then they

can put a freeze on those accounts or whatever they can in the limits of the law to get to that money. The court would have no bearing on the distribution of the veterans money.

From Social Security's point, it would matter if the person was receiving SSI or SSDI. SSI is a needs based program that cannot be garnished for child support. SSDI it could be opened for garnish of child support.

**Is there a notification to let the child support know that they are on disability or does the VA let them know they are on it?**

There is currently no awareness of that occurring in the VA.

**SCD and pension benefits, can they both be perused at the same time?**

When the VA receives an application for pension and compensation, they look at both entitlements. The caveat is that when they are asked about their service, if they say that they no injuries coming from military service, they would not look to file under disability compensation. They would be moved to the lane of pension.

**SOAR at Stand Downs**

Quite a few cities have SOAR as a presence at Stand Downs. They cannot do the entire application at that time, but it is a great time to do outreach. It would be a great time to establish questions for Social Security eligibility. It would be a good time to establish a meeting at another time. A great way to outreach to people that haven't connected with before.

**Are there any options for veterans with an honorable discharge but did not complete the required two years of service?**

There was a law that came into play in the 90's, that to be able to be eligible for pension, you had to complete two years of service. However, the way you go about it is that, did the individual complete that requisite period of service to which they were called to active duty? If you signed a two year commitment and you filled that commitment, then you meet the service requirements. The other way to get around it is that if you obtained a disability that was occurred in that time of service that they discharged you for. Other than that, you have to serve at least two years or for the period of time which you called to active duty or you were released from duty for a service connected disability.