

# **Veterans Benefits Protection Program**

## **PRESENTATION**

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**A Focus on the VA Aid and  
Attendance Scams**

# The VA Benefit

- **The VA has a benefit called the Aid and Attendance Benefit. This benefit acts as a lifeline for low-wealth veterans and their spouses if they cannot afford to pay for medical supplies, assisted living, or in-home care workers.**

# The Benefit

- ◆ Single Veteran \$1,072 per mo.
- ◆ Veteran with Spouse/Dependent \$1,404 per mo.
- ◆ Two Veterans Married \$1,404 per mo.
- ◆ Surviving Spouse \$ 719 per mo.
- ◆ Surviving Spouse \$ 941 per mo. with dependent

# Needs Based Benefit

- **This is a benefit available only to veterans with limited assets and income who served during the time of war.**
- **This is not an entitlement.**

# **Who is eligible for the Benefit?**

**A wartime veteran who has limited or no income and is at least 65 years old, or**

**If under age 65, was permanently or completely disabled.**

# **Who is eligible for the Benefit?**

**Honorably discharge, had 90 days of continuous military service, and at least one of those days was during a time of war.**

# **What are the Disability Requirements?**

**Needing the aid of another person in order to perform personal functions required in everyday living.**

# Activities of Daily Living

**Bathing,**

**Feeding,**

**Dressing,**

**Toileting,**

**Adjusting Prostatic Devices**





# Activities of Daily Living

**Bedridden**

**Blind**

**Ambulating**

**Mental or**

**Physical incapacity**



# **Income Requirements**

**The Aid and Attendance  
Benefit amount is  
determined by the  
claimant's countable  
income.**

# Income

- **Income includes earnings, disability and retirement payments, interest and dividends, and net income from businesses.**
- **Countable income means income received by the claimant and his or her dependent**
- **Countable family income must be below the limit set yearly by the VA.**

# **Income Adjustments**

**Excluded from the countable monthly income are unreimbursed medical expenses and public assistance, such as SSI.**

# Formula for determining countable income

**Gross Income**

**minus Unreimbursed Expenses**

**equals Countable income**

# The benefit to be received

- Subtract the countable income from the maximum offered benefit. The difference will be the amount given to the veteran.
- Example: If the eligible veteran is single and his or her countable monthly income is \$404, then the veteran would receive \$668.

**\$1,072 -**

**\$404 = \$668**

# Important to note

- **The VA Aid and Attendance Benefit is a “make up for a shortfall” benefit.**
- **Unless the veteran's countable income is zero, he or she will not get the full amount. They only get the difference between the maximum benefit amount and their countable income.**

# The benefit can be up to the amount of ...

- ◆ **\$1,072 per mo.** Single Veteran
- ◆ **\$1,404 per mo.** Veteran with spouse/dependent
- ◆ **\$1,404 per mo.** Two Veterans married
- ◆ **\$ 719 per mo.** Surviving Spouse
- ◆ **\$ 941 per mo.** Surviving Spouse with dependent



# Treatment of Assets

**THERE IS NO ASSET LIMIT SET BY LAW AND THE DETERMINATION OF ELIGIBILITY IS MADE AT THE DISCRETION OF A VA CASE WORKER**

The net worth value of the senior's assets affects eligibility. High net worth will prevent a senior from qualifying for the benefit.

## Exempt Assets:

The home

All household goods

All personal effects

# The Scam

Financial predators pose as ‘volunteer advisors’ and tell senior vets to ‘shield their excess assets’ in annuities or irrevocable trusts. “This way,” they say, “it will appear that you are impoverished and need the benefit.”

**Selling annuities to qualify for the Veterans Aid and Attendance Benefit**

**It's against the law!**

**California Insurance Code § 785.5**

**It is illegal for an insurance agent to sell an annuity or charge a fee in preparation for qualifying for the VA Aid and Attendance Benefit**

# Veterans Aid and Attendance Scam (aka “Pension Poaching”)

An advertisement featuring a photograph of a man in a military uniform on the left. He is wearing a dark beret with 'BUFFALO' on it, glasses, and a dark suit jacket over a white shirt and patterned tie. He is holding a small American flag. To the right of the photo is a text box with a light blue background and a dark blue border. The text inside the box reads: 'Tired of Declining Seminar Attendance?' in white on a dark blue background; 'Little-Known Veterans Benefit Rule Attracts Prospects with \$350,000 in Assets – and Your Seminar is 100% PAID FOR!' in black and red; and 'Veterans have \$350,000 in Assets on average\*' in white on a dark blue background at the bottom.

Tired of Declining Seminar Attendance?

Little-Known Veterans Benefit Rule Attracts Prospects with **\$350,000 in Assets** – and Your Seminar is **100% PAID FOR!**

Veterans have **\$350,000** in Assets on average\*

Veteran benefit “experts” promise to qualify vet for the benefit

The “experts” might self-identify as a volunteer or retired County Veterans Service Officer. Most often they are either an insurance agent or working with one.

**Selling annuities to qualify for the Veterans Aid and Attendance Benefit**

**It's against the law!**

**Business and Professions Code §17533.6 (a)**

**It is unlawful for any person or firm that is a nongovernmental entity to use a seal, emblem, or insignia that could reasonably be interpreted to imply any military or veteran services organization connection, approval, or endorsement.**

# Welcome Senior Vets!



- **Join our VA Aid and Attendance Pension Seminar**
- We would like to make it as easy as possible for Veterans to access benefits available to them by using our VA Forms and Contacts.



# The Problem

After the 'volunteers' get through with the seniors and make their commissions and fees, the vets will have locked up and lost control of their life savings for the rest of their lives, and in some instances, won't even qualify for the benefit.

# The Problem

Because of certain eligibility rules, a senior who transfers assets in order to get the VA benefit might end up not being able to qualify for Medi-Cal's long-term care benefit.





# Work with the VA



The VA does not charge to apply for the Aid and Attendance Benefit and their services are free.

***Warning:*** If a vet is found to have wrongfully obtained a benefit then he or she will have to pay it back

# Resources

Fact Sheets on VA Aid and Attendance Benefit

[www.consumer.ftc.gov/articles](http://www.consumer.ftc.gov/articles)

[www.benefiits.va.gov](http://www.benefiits.va.gov)

[www.canhr.org](http://www.canhr.org)

# Resources

## Where To File Complaints

California Department of Insurance

**CDI Complaint Site**

California Attorney General

**AG Complaint Site**

# Resources

Institute on Aging: San Francisco Veterans Benefit Protection Project webpage

<http://www.ioaging.org/vbpp>

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[www.consumer.ftc.gov/articles](http://www.consumer.ftc.gov/articles)

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