

Homeless Veterans Reintegration Program (HVRP) Technical Assistance Center

HVRP Technical Assistance Center is funded by grant #HV-16488-07-75-5-51 with the US DOL.

Benefits for Veterans with Disabilities

Lucy Miller
Virginia Commonwealth University

What we will cover today

- Special benefits available to veterans who are considered disabled by the US Dept. of Veteran's Affairs (VA) and/or the US Department of Defense (DoD).
- Not included is a discussion of the benefits afforded to ALL veterans of the US military service without regard to disability status.

A Word about Social Security Disability Benefits for Veterans

- VA disability benefits and SSA disability benefits are NOT mutually exclusive!
- While the disability criteria for SSA benefits are more stringent than those used by the VA, some veterans will qualify for both

A Word about Social Security Disability Benefits for Veterans

- Many of today's veterans have established insured status with SSA by working in the civilian economy and paying FICA
- When in doubt – encourage vets to apply with SSA!

Types of Benefits Available to Veterans with Disabilities

- Military retirement due to disability provided by DoD
 - Tricare Health Insurance
- VA benefits
 - VA Disability Compensation & VA Disability Pension
 - Access to the VA Healthcare System

Military Retirement Due to Disability

- Military retirement benefits administered by DoD, not VA.
- Military retirement available to persons with 20+ years of active service in the military
- Individuals may retire as disabled regardless of % level of disability if found unfit for service by reason of physical disability

Military Retirement Due to Disability

- Individuals with less than 20 yrs of active service at the time they are removed from the military by reason of physical disability are generally “separated”, not retired
- Benefits may be dispensed as either a monthly check (retirement) or as a lump-sum severance payment (separated)

Advantages of Military Retirement due to Disability

- Recipients are NEVER subject to a review of their disability rating
- Retired vets with disabilities get the same benefits as all other military retirees - commissaries, military hospitals, & Tricare for themselves & family
- Military retirement is NOT affected by paid employment in any way!

VA Disability Benefits – How to Apply

- Most vets apply for VA benefits when first separated from military due to being “unfit for active duty”
- Vets’ may apply at any point after this by completing VA Form 21-526 – Veteran’s Application for Compensation or Pension

VA Disability Benefits – How to Apply

- Apply online at:
<http://vabenefits.vba.va.gov/vonapp/main.asp>
- Questions? Call toll free 1-800-827-1000

Disability Evaluation under the VA System

- Disability assessed using % system in intervals of ten, 0% - 100%
- Higher the rating, higher monthly disability benefit payment

Disability Evaluation under the VA System

- Rating was originally intended to represent the degree to which a vet's earnings capacity is diminished by the disability
- Determinations based on VA Schedule for Rating Disabilities or VASRD

More on VA Rating System

- VA considers all service-connected disabilities and the totality of the changes in the person's medical condition that occurred during military service. DoD only considers physical disabilities
- Unlike DoD, VA process permits reevaluation of service-connected disabilities if a condition worsens or improves over time

More on VA Rating System

- The DoD and VA use different rating systems – it is possible for a vet to have two different ratings from the two agencies

Rating Designations

- Total disability based on 100% disability rating
 - Total disability based on "individual unemployability"
 - Permanent and total disability
- * Designations important because they allow higher benefits to be paid, & may entitle vets additional benefits

VA Disability Compensation

- Disability must be "service connected" - incurred or aggravated during active military service
- Separation or discharge from the military must be under conditions other than dishonorable

VA Disability Compensation

- VA Compensation is an entitlement program and is not means-tested in any way!
- VA Compensation benefits may be reduced if certain DoD benefits such as military retirement or disability severance pay are received

More About VA Disability Compensation

- Vets with ratings of 30% or more are eligible for additional allowances for dependents
- Vets with certain types of disabilities (loss of limb or use of organs) may be eligible for "Special Monthly Compensation" (SMC) in addition to regular VA compensation

More About VA Disability Compensation

- Vets with 100% ratings who are "housebound or bedridden" may get an additional SMC payments known as "Aid and Attendance and Housebound Allowance"

VA Disability Pension

- Available to veterans with non-service connected disabilities
- Must have at least 90 days of active military service, with at least one day during a period of war – some vets must serve longer

VA Disability Pension

- Disability must be assessed as being permanent and total
- Separation or discharge must have been under conditions other than dishonorable and disability must not be due to willful misconduct

More on VA Disability Pension

- VA pension is intended to bring the veteran's total income up to a minimum level set by Congress
- Eligibility is based on strict income and asset guidelines
- Payments are reduced by the amount of countable income of the veteran, the spouse, or dependent children

VA Benefit Rates

- VA establishes the disability benefit rates for each percentage of disability every year
- To find the current as well as past VA benefit rates for both Disability Compensation and Disability Pension, go to the VA website at:

<http://www.vba.va.gov/bln/21/rates/>

Other VA Benefits for Veterans with Disabilities

- Vocational Rehabilitation and Employment Services (VR&E)
- Specially adapted housing grants
- Service-disabled veteran's insurance
- Assistance adapting auto to meet disability needs
- Annual clothing allowance

How Employment Affects DoD & VA Disability Benefits

- Military retirement due to disability is never affected by earned income
- VA Disability Compensation is not affected by earned income EXCEPT that in some cases, employment may cause the disability rating to be reduced during a rating review

How Employment Affects DoD & VA Disability Benefits

- VA Disability Pension is reduced dollar-for-dollar by earned income and gross income is what counts

Employment & VA Disability Ratings

- Employment would NOT cause reduction of disability rating for individuals who are:
 - Elderly (age 69 +)
 - Designated as being totally disabled (100% schedular rating or designated as having permanent & total disability)
 - Designated as being totally disabled due to "individual unemployability" for a period of 20 or more years continuous years

Employment & VA Disability Rating

- Persons at risk of reduced disability rating due to employment include:
 - Vets under age 69 with schedular ratings under 100%
 - Vets rated as being totally disabled based on individual unemployability who have been on benefits for less than 20 consecutive years and who are working in a "substantially gainful occupation"

What is a Substantially Gainful Employment?

"Substantially Gainful Employment is defined as employment at which non-disabled individuals earn their livelihood with earnings comparable to the particular occupation in the community where the veteran resides."

(M21-1MR, Part IV, Subpart ii, Chapter 2, Section f)

Substantially Gainful Employment is NOT...

- Marginal employment - exists when a vet's earned income does not exceed the current Fed Poverty Guidelines (FPG) for a household of one.
- Earnings can go over FPG and still not be considered substantial if work occurred in a protected environment such as a family business, a sheltered workshop, or when supported employment services are provided.

Furthermore...

- Effective Jan 1985 a vets total disability rating based on IU may not be reduced solely on basis of having secured substantially gainful employment unless the vet maintains the occupation for 12 consecutive months.
- In some cases, completing a program of voc rehab may cause a reduction in rating if evidence of marked improvement or recovery.

State Veterans Benefits

- Many states offer additional benefits to vets - varies by state
- Benefits may include educational assistance, discounts on taxes and/or fees, home loans, free hunting or fishing privileges, and more
- Directory of State Vets benefits can be found at: <http://www.military.com/benefits/veteran-benefits/state-veterans-benefits-directory>

Where to Get More Information about VA Benefits

- Handbook for Injured Service Members & their Families
<http://www.fallenheroesfund.org/common/page.php?ref=familyinfo>
- Fed Benefits for Vets & their Dependents
http://www1.va.gov/opa/vadocs/current_benefits.asp

Where to Get More Information about VA Benefits

- Vets Benefits Explained
<http://www.military.com/benefits/veteran-benefits/veterans-benefits>

Final Words

- Make sure vets are aware of myriad programs they may be eligible for thru the VA
- Encourage vets with disabilities that create obstacles to employment to apply for SSA disability benefits

Final Words

- Find local sources of assistance and support.

The nearest Vets Service Center is a good place to start:

<http://www1.va.gov/directory/guide/vetcenter.asp>