



Veterans

What is Aid and Attendance?

Aid and Attendance (“A&A”) is a monthly pension benefit available to qualifying Veterans and surviving spouses of qualifying Veterans who need the aid and attendance of another person to perform the personal functions required for daily living such as to eat, bathe, dress, undress and administer medication. The following are the maximum monthly A&A amounts currently available:

- **Married Couple: \$2,903**
Both are Veterans who need A&A
- **Veteran and Spouse or Dependent: \$2,169**
Both need A&A
- **Veteran: \$1,830**
- **Surviving Spouse of Veteran: \$1,176**

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How to Qualify for Aid and Attendance



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Who Qualifies for Aid and Attendance?

There are several requirements to obtain A&A, including a service requirement, disability and asset requirement, and income requirement. You must prove that you satisfy these requirements by completing the Veterans Application for Pension or Compensation (“Application”) and filing this Application with the U. S. Department of Veterans Affairs (commonly referred to as the “VA”).

Service Requirement—Must Have Served During War Time

In order to be eligible for A&A, a Veteran does not need to have served overseas, been in combat or have a service-connected disability; however, a Veteran must be honorably discharged and must have served 90 days of active duty with at least one day during a period of War. A surviving spouse of a Veteran who meets these requirements may also be eligible.

Official Declared War Time

The official declared War Time dates as determined by Congress are as follows:

- Mexican Border War: May 9, 1916 – April 5, 1917
- World War I: April 6, 1917 – Nov. 11, 1918
(April 1, 1920 if served in Russia)
- World War II: Dec. 7, 1941 – Dec. 31, 1946
- Korean War: June 27, 1950 – Jan. 31, 1955
- Vietnam War: Aug. 5, 1964 – May 7, 1975
(Feb. 28, 1961 if served in Vietnam)
- Persian Gulf War: Aug. 2, 1990 – Feb. 28, 1991

Disability Requirement

To satisfy the A&A disability requirement, you must be 65 or older and require the aid and attendance of another person to perform the personal functions required for daily living. Examples include the inability to dress or undress, keep oneself clean and presentable, the inability to feed oneself, and the inability to toilet. Other needs include being blind, nearly blind, or bedridden.

Help with these needs may be provided by an assisted living facility, home health aides, nurses and other professionals, a family member other than a spouse, or someone residing with you. The care services provided must be recommended by a licensed health care professional. The VA also requires that there be a Care Contract between the caregiver and the person receiving care. The contract needs to specify the care to be given and the amount to be paid, which must be the going rate for those kinds of services in the community in which the services are provided. We can prepare a Care Contract for you to satisfy this requirement.

Income and Asset Requirement

There are income and asset requirements to receive A&A. The test for assets is whether you have “sufficient means” to pay for the care. The test for income is whether or not your income exceeds a certain monthly amount after deducting all unreimbursed medical expenses.

Unfortunately, there are no set figures for these requirements. Generally, a single person’s assets may not exceed \$40,000, and a married

couple’s may not exceed \$80,000. Assets which are exempt from these requirements include your residence, personal property, and one vehicle.

What Can I Do If My Assets Exceed the Asset Requirements?

Unlike Medicaid, if your assets exceed the requirements, you can give your assets away and become eligible for A&A. However, it is not recommended that you simply gift your assets outright. First, it exposes your assets to your beneficiaries’ creditors. Second, you may need to “undo” the gift if you later need to become eligible for Medicaid, plus your beneficiaries may be unwilling or unable to return the gift.

In order to avoid these potential problems, we recommend that you gift your assets to an Irrevocable Trust. We can create this trust for you with terms that coordinate with your estate planning wishes and preserve your ability to later receive Medicaid benefits if necessary.

Filing A Claim

Filing a claim for A&A is complex and time- consuming. Typically, qualification for A&A involves the reallocation of assets, which will impact Medicaid eligibility. This process should not be attempted without proper legal advice. It may take several months for an A&A Application to be approved by the VA; however, the benefits are paid retroactive to the month following the month in which the Application was led.