



Veterans' Benefits: Pension Benefit Programs

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Summary

The Department of Veterans Affairs (VA) administers several pension benefit programs for veterans as well as their surviving spouses and dependent children. The most current pension programs available (for those meeting the eligibility criteria on or after January 1, 1979) are the Improved Disability Pension for certain low-income veterans and the Improved Death Pension for certain low-income surviving spouses or children of veterans. There is also a special pension for Medal of Honor recipients. This report describes these programs, including the eligibility criteria and current benefit levels, and provides data on the number of pension beneficiaries in FY2010. This report will be updated as needed to reflect legislative activity and changes to benefits or eligibility requirements.

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Overview

The Department of Veterans Affairs (VA) administers several pension programs for veterans and their surviving spouses and dependent children. There are two types of pension programs administered by the VA: (1) pension programs for veterans of specific periods of war; and (2) pension programs for certain low-income veterans. The pension programs for specific periods of war are for periods before World War I. They include pension programs for veterans, as well as their surviving spouses and dependent children, of certain periods of war such as the Civil War, the Indian Wars, and the Spanish-American War. The pension programs for certain low-income veterans include the Old Law Disability Pension, the Section 306 Disability Pension, and the Improved Disability Pension. The VA pension programs for certain low-income surviving spouses and dependent children of veterans include the Old Law Death Pension, the Section 306 Death Pension, and the Improved Death Pension.

In addition to the pension programs for certain periods of service, certain low-income veterans, and surviving spouses and dependent children, the VA administers a special pension program for Medal of Honor recipients.

This report will provide information on the most current pension programs—those programs for which a veteran, a surviving spouse, or a dependent child becomes eligible on or after January 1, 1979—and on the special pension program for Medal of Honor recipients. The current pension program for veterans is the Improved Disability Pension, which is for certain low-income veterans. The current pension program for certain low-income surviving spouses and dependent children of veterans is the Improved Death Pension. Both pension programs were created by P.L. 95-588, the Veterans and Survivors Pension Improvement Act of 1978.

The Improved Disability Pension Benefit

The Improved Disability Pension provides a monthly benefit to certain low-income veterans. The monthly benefit is based on a maximum annual benefit, and the actual benefit received by the veteran reflects a reduction (from the maximum amount) of the veteran's "countable" income. This means that a veteran with countable income above the maximum annual benefit amount is not eligible for the pension.

Maximum Annual Benefit Amount

The maximum annual benefit amounts for the veterans' pension benefit are set in statute¹ and are based on the presence of a spouse or dependent child (or children) and the need for aid and attendance.² The annual benefit amounts are adjusted automatically by law³ each year to reflect a cost-of-living adjustment (COLA) equal to the COLA for Social Security benefits. For example, beginning December 1, 2011, the maximum annual amount for the pension benefit for 2012 is

¹ 38 U.S.C. §1521(b)-§1521(g).

² Aid and attendance is provided when a veteran needs another person's help to perform activities of daily living, such as eating, dressing, or taking a shower.

³ 38 U.S.C. §5312.

\$12,256 for a veteran and \$16,051 for a veteran with one dependent.⁴ If two veterans are married to each other, the maximum annual amount is \$16,051, the same as for a veteran with one dependent.⁵ The maximum annual benefit amount will be higher if the veteran is housebound or requires aid and attendance.⁶

Aid and Attendance

Claimants eligible for the pension may be eligible for a higher maximum benefit amount when additional care and services (aid and attendance) are needed, such as assisted living or in home care. The necessity for aid and attendance is presumed when either (1) the claimant is a patient in a nursing home or (2) when the claimant is blind or has a severe visual impairment. The necessity for aid and attendance will also be considered to exist when either

- the veteran requires the aid and assistance of another person in order to perform personal functions required in everyday living, such as bathing, feeding, dressing, attending to the wants of nature, adjusting prosthetic devices, or protecting himself or herself from the hazards of his or her daily environment; or
- the veteran is bedridden, in that his or her disability or disabilities require that he or she remain in bed, apart from any prescribed course of convalescence or treatment.

All the factors listed above do not have to be present to receive a higher maximum pension benefit because of the need for aid and attendance. The totality of the circumstances will guide the determination of need. The pension claimant also does not need to show the need for round-the-clock care, but only that there is a regular and ongoing need for the aid and attendance of another person.

Under current law, a veteran without a spouse or dependents who is in a nursing home where care is being provided or paid for by the VA or Medicaid may have his or her pension reduced to \$90 a month.⁷

Housebound

A pension claimant must meet either of the following requirements to have a higher maximum pension amount due to being housebound:

- The claimant must have a single permanent disability evaluated as 100% disabling and, due to such disability, the claimant is permanently and substantially confined to his or her immediate premises.
- The claimant must have a single permanent disability evaluated as 100% disabling and must also have another disability, or disabilities, evaluated as 60% or more disabling.

⁴For more information on the Social Security COLA, see CRS Report 94-803, *Social Security: Cost-of-Living Adjustments*, by Gary Sidor.

⁵ For more information on current rates, please see the Department of Veterans Affairs website.

⁶ Definitions of aid and attendance and housebound can be found in 38 C.F.R. 3.351.

⁷ 38 U.S.C. 5503. Expires September 30, 2016.

Essentially, a person will be considered “housebound” when he or she is substantially confined to a dwelling and the immediate premises due to a disability and it is reasonably certain that this confinement will continue throughout that person’s lifetime. A “dwelling” includes not only the claimant’s home, but also any other place he or she is living, such as a care facility. Additionally, if the claimant is unable to leave the dwelling without the assistance of another, such as when a disability prevents the claimant from being able to drive, the claimant will be considered housebound.

Eligibility Criteria

To be eligible for the pension benefit, a veteran must meet eligibility criteria related to combat/period of service; income/net worth; and age or disability.

Combat/Period of Service

A veteran must meet military service requirements related to combat, or service during a period of war to be eligible for the pension benefit.⁸ Specifically, a veteran must have been discharged from military service under conditions other than dishonorable and must have served in the active military:

- for at least 90 days during a period of war;⁹
- during a period of war and was released from service for a service-connected disability;
- for 90 or more consecutive days which began or ended during a period of war; or
- for a total of 90 days or more in two or more separate periods of service during one or more periods of war.

Income/Net Worth

As noted previously, the pension benefit for a veteran who meets the other eligibility requirements (combat/period of service and disability/age) is calculated by subtracting the veteran’s annual countable income from the statutory annual maximum benefit. This means that a veteran with annual countable income above the annual maximum benefit amount will receive no pension benefit. A veteran with annual countable income below the annual maximum benefit amount will have his or her benefit reduced dollar for dollar by the amount of annual countable income. In addition, a veteran may not have a net worth, or estate, large enough that it would be reasonable for part of the estate to be used for the veteran’s maintenance.¹⁰

Annual countable income includes income from nearly all sources. However, there are several specific sources of income that are *not included* in determining annual countable income.¹¹

⁸ 38 U.S.C. §1521(j).

⁹ For information on periods of war, see CRS Report RS21405, *U.S. Periods of War and Dates of Current Conflicts*, by Barbara Salazar Torreon.

¹⁰ 38 U.S.C. §1522.

¹¹ 38 U.S.C. §1503.

- donations from public welfare or private relief organizations;
- pension benefits administered by the VA;
- expenses paid by a veteran's spouse (or the veteran's surviving spouse or child) for the veteran's last illness, burial, or debts;
- amounts paid by the veteran for the last illness and burial of the veteran's spouse or child;
- amounts paid by a veteran's spouse for the last illness and burial of the veteran's child;
- insurance reimbursement for property casualty loss (up to the greater of fair market value or replacement value);
- profit from disposing of personal or real property (other than in the course of business);
- amounts in joint accounts the veteran acquires by the death of the other owner(s);
- amounts paid by the veteran, spouse, or child for unreimbursed medical expenses (limited to the excess above 5% of the pension benefit);
- up to \$5,000 paid as a veteran's benefit due to injury or disease by a state or municipality (for determinations of income for calendar years beginning after October 1, 2011);¹² and
- amounts paid by a veteran or surviving spouse to pursue education, vocational rehabilitation, or training, including tuition, fees, books, and, if the veteran or surviving spouse needs aid and attendance, travel expenses above reasonable expenses for a nondisabled person.

Disability/Age

To be eligible for the pension benefit, the veteran must be totally disabled¹³ due to non-service connected injuries or illnesses that are not a result of the veteran's willful misconduct.¹⁴ However, to determine if a veteran is totally disabled, the Secretary of Veterans Affairs may combine the disability ratings for service-connected disabilities with the disability ratings for non-service connected disabilities. The restriction is that if the veteran's service-connected disabilities have contributed to making the veteran eligible for the pension benefit, the veteran will receive the greater of the pension benefit or the disability compensation benefit (for the service-connected disabilities). A veteran cannot receive both disability compensation and the pension benefit.

P.L. 107-103, the Veterans Education and Benefits Expansion Act of 2001, extended the pension benefit to veterans aged 65 or over, regardless of disability status (or disability rating), who meet the other pension requirements (combat/period and income/net worth).

¹² Provision was part of the Veterans' Benefits Act of 2010 (P.L. 111-275).

¹³ The VA rates disability on a scale of 0-100 in 10% increments, with 100% being totally disabled. The rating is used for pensions and for disability compensation. For more information on disability evaluation by the VA, see the "VA Disability Evaluation" section of CRS Report RL33991, *Disability Evaluation of Military Servicemembers*, by Christine Scott and Don J. Jansen.

¹⁴ 38 U.S.C. §1513 and 38 U.S.C. §1521.

Other

The pension benefit for a veteran convicted of a felony or misdemeanor will be stopped beginning 61 days after the veteran is imprisoned, and it will resume when the imprisonment ends. The veteran's pension benefit may be paid to the veteran's spouse or dependent children during the veteran's imprisonment.

To apply for the pension benefit, a veteran must complete and submit VA Form 21-526, which is the application form for both disability compensation and the pension benefit. As part of the claims processing, the veteran will receive a disability rating, which may require a physical examination.

Interaction with Social Security and Supplemental Security Income

Countable income for the veterans' pension benefit includes any Social Security benefits received. Therefore, the receipt of Social Security benefits can reduce or eliminate a veteran's pension benefit. Countable income does not include any Supplemental Security Income (SSI) payments received. However, because the SSI program includes veterans' benefits as unearned income in calculating the income limitations for SSI, a veteran's pension benefit could reduce the veteran's SSI benefit.¹⁵

The Improved Death Pension Benefit

The surviving spouse or dependent child of a veteran may be eligible for the Improved Death Pension Benefit if eligibility requirements with respect to the deceased veteran and surviving spouse or dependent child are met, along with an income requirement.

Deceased Veteran

The deceased veteran must have met the military service requirements for the Improved Disability Pension with respect to the veteran's discharge and period of service.¹⁶ However, for the Improved Death Pension, an individual who has at least two years of honorable military service and who dies in military service but not in the line of duty is also considered a veteran.¹⁷

Surviving Spouse

The surviving spouse cannot be remarried and must have been married to the deceased veteran.¹⁸

¹⁵ For more information on the SSI program, see CRS Report 94-486, *Supplemental Security Income (SSI)*, by Umar Moulta-Ali, and CRS Report RS20294, *Supplemental Security Income (SSI): Beneficiary Income/Resource Limits and Accounts Exempt from Benefit Determinations*, by Umar Moulta-Ali.

¹⁶ 38 U.S.C. §1541(a) and §1542(a).

¹⁷ 38 U.S.C. §1541(h).

¹⁸ 38 U.S.C. §1541(f).

- for at least one year (there is no minimum if the surviving spouse and veteran had a child), and
- must have been wed before December 14, 1944, for deceased veterans of the Mexican border period and World War I; before January 1, 1957, for deceased veterans of World War II; before February 1, 1965, for deceased veterans of the Korean conflict; before May 8, 1985, for deceased veterans of the Vietnam era; or before January 1, 2001, for deceased veterans of the Persian Gulf War.

Surviving Children

Surviving children must be under the age of 18 (or under age 23 if in school) or must have become incapable of self-care before the age of 18.

Income

The countable income for a surviving spouse or child is calculated like that of a veteran for the Improved Disability Pension. However, for a surviving spouse with custody of a deceased veteran's child, part of the child's income that is available to the surviving spouse may be included in countable income.¹⁹ For a veteran's surviving child, his or her current work income is excluded from countable income, if the income is not more than the income level at which a federal income tax return must be filed²⁰ *plus* postsecondary education or vocational rehabilitation or training expenses paid by the child.²¹ In addition, for a surviving spouse or child, the proceeds from a life insurance policy on the veteran is excluded from countable income.²²

Maximum Benefit Amount

The maximum annual benefit amounts for surviving spouses and dependent children, like those for veterans, are set in statute and are automatically increased to reflect the COLA for Social Security benefits. For example, effective December 1, 2011,²³ the maximum annual benefit amount in 2012 for a surviving spouse without a dependent child is \$8,219, and \$10,759 for a surviving spouse with a dependent child (there is an incremental amount for each dependent child). Maximum annual benefit amounts are higher if the surviving spouse is housebound or requires aid and attendance.²⁴ For a surviving child, the maximum annual benefit amount is \$2,093.

¹⁹ 38 U.S.C. §1541(g).

²⁰ The income level at which a tax return must be filed (the filing requirement) is equal to the sum of the standard deduction and personal exemption amounts. For tax year 2012, the filing requirement for a single taxpayer is \$9,750 for a single taxpayer under age 65.

²¹ 38 U.S.C. §1503(a)(10).

²² 38 U.S.C. §1503(a)(12).

²³ For more information on the Social Security COLA, see CRS Report 94-803, *Social Security: Cost-of-Living Adjustments*, by Gary Sidor.

²⁴ For more information on current rates, please see the Department of Veterans Affairs website.

Medal of Honor Pension

A veteran who has been awarded a Medal of Honor is eligible for a monthly pension (\$1,237 as of December 1, 2011).²⁵ Eligibility for the pension is based solely on receipt of the Medal of Honor, and receipt of the special pension (the Medal of Honor recipient must elect to receive the special pension) does not reduce any other benefits under U.S. law. A veteran who has received more than one Medal of Honor is, however, limited to receiving only one Medal of Honor pension benefit.²⁶

Pension Beneficiaries

Table 1 shows the number of pension beneficiaries by category and by state for FY2010. In FY2010, there were 313,563 veterans receiving pension benefits. In addition, 186,170 surviving spouses and 12,662 surviving children were receiving pension benefits.

Table 1. Pension Beneficiaries by Category and State, FY2010

State	Veteran	Surviving Spouse	Surviving Children	Total
Alabama	9,245	10,151	253	19,649
Alaska	289	62	2	353
Arizona	5,349	1,872	83	7,304
Arkansas	4,756	2,600	144	7,500
California	25,450	9,997	1,006	36,453
Colorado	3,562	1,350	94	5,006
Connecticut	1,980	1,580	145	3,705
Delaware	526	369	44	939
District Of Columbia	755	362	29	1,146
Florida	22,397	10,687	389	33,473
Georgia	11,118	8,355	314	19,787
Hawaii	690	179	16	885
Idaho	1,418	418	34	1,870
Illinois	9,011	4,052	526	13,589
Indiana	5,012	2,836	253	8,101
Iowa	3,446	2,082	201	5,729
Kansas	2,748	1,300	114	4,162
Kentucky	5,665	3,749	176	9,590
Louisiana	7,632	5,180	248	13,060
Maine	2,190	733	80	3,003
Maryland	3,271	1,915	188	5,374
Massachusetts	4,096	2,326	223	6,645
Michigan	9,939	5,154	396	15,489
Minnesota	4,240	2,177	241	6,658
Mississippi	4,801	4,218	173	9,192
Missouri	8,139	4,730	321	13,190

²⁵ The pension benefit was increased to \$1,000 and a COLA was provided by P.L. 107-330, the Veterans Benefits Act of 2002.

²⁶ 38 U.S.C. §1562.

State	Veteran	Surviving Spouse	Surviving Children	Total
Montana	1,576	453	34	2,063
Nebraska	1,630	711	144	2,485
Nevada	3,075	847	33	3,955
New Hampshire	875	456	51	1,382
New Jersey	3,081	2,183	270	5,534
New Mexico	2,618	1,172	61	3,851
New York	13,516	10,064	1,154	24,734
North Carolina	9,335	7,332	325	16,992
North Dakota	824	398	44	1,266
Ohio	15,716	7,783	1,007	24,506
Oklahoma	6,289	2,968	173	9,430
Oregon	5,536	1,542	129	7,207
Pennsylvania	14,096	10,705	649	25,450
Rhode Island	983	575	50	1,608
South Carolina	6,543	5,526	146	12,215
South Dakota	1,480	713	49	2,242
Tennessee	8,692	6,607	277	15,576
Texas	24,966	13,793	788	39,547
Utah	1,531	776	55	2,362
Vermont	439	182	39	660
Virginia	5,776	3,865	408	10,049
Washington	5,380	1,841	176	7,397
West Virginia	3,577	1,939	119	5,635
Wisconsin	5,519	2,271	379	8,169
Wyoming	484	184	13	681
Puerto Rico	10,902	8,633	150	19,685
Territories and Other	1,399	4,217	246	5,862
Total	313,563	186,170	12,662	512,395

Source: Table prepared by the Congressional Research Service (CRS) using data provided by the Department of Veterans Affairs.

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