



# WELCOME!

Montgomery County  
Veterans Service Commission



# Updates to VA Claims & Presumptives

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Changes You Need to Know

Presented by

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# Today's Agenda

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- ☐ Non-Service Connected Pension
- ☐ Survivors Pension
- ☐ Aid and Attendance
- ☐ Service Connected Compensation
- ☐ Presumptives (Agent Orange, BW Navy, Burn Pits)
- ☐ Burial Benefits
- ☐ Survivor Benefits



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# ☐ NonService Connected Pension

- ☐ Survivors Pension
- ☐ Aid and Attendance
- ☐ Service Connected Compensation
- ☐ Presumptives (Agent Orange, BWNavy, Burn Pits)
- ☐ Burial Benefits
- ☐ Survivor Benefits



# NonService Connected Pension

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## Eligibility

- Income and asset based benefit, household assets less than \$138,489 – veteran must have served in qualifying period of service
- Maximum monthly income: single \$1,229 married \$1,610
- Predictable medical expenses may offset income
- Under age 65, must be permanent and totally disabled; over age 65, strictly income and asset based benefit
- All disabilities are used to qualify.
- Housebound or A&A can be added as attachment



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☐ NonService Connected Pension

☒ **Survivors Pension**

☐ Aid and Attendance

☐ Service Connected Compensation

☐ Presumptives (Agent Orange, BWNavy, Burn Pits)

☐ Burial Benefits

☐ Survivor Benefits



# Survivors Pension

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## Eligibility

- Income and Asset based benefit
- Household Assets must be less than \$138,489
- Veteran must have served during qualifying period of service
- Surviving Spouse does not need to be disabled





# Survivors Pension

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## Income Limits

- Maximum monthly income of \$825
- Maximum monthly income of \$1,318 with A&A attachment
- Predictable medical expenses may offset income such as long term care expenses, in home caregiver expense, Medicare premiums and supplemental health care premiums.
- A&A can be added to Survivors Pension





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# Aid and Attendance (A&A)

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## Eligibility

- Not a “stand alone” benefit
- Usually added to Pension benefit
- Can be added to Compensation or DIC
- Must meet qualifications for Pension (or Compensation or DIC)
- Must be veteran or dependent of veteran



# Aid and Attendance (A&A)

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## Eligibility

- You require the aid and attendance of another person to perform activities of daily living, such as bathing, feeding, dressing, toileting, adjusting prosthetic devices, or protecting yourself from the hazards of your daily environment, OR
- You are bedridden, in that your disability or disabilities require that you remain in bed apart from any prescribed course of convalescence or treatment.



# Aid and Attendance (A&A)

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## Income and Asset Requirements

- Household (financial) assets must be below \$138,489\*
- Maximum monthly pension rates (pension with A&A) effective December 1, 2021:
  - Veteran with No Dependents \$2,050
  - Veteran with One Dependent \$2,431
  - Surviving Spouse \$1,318

\*subject to change annually with cost of living



ANY QUESTIONS?



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# Service Connected Compensation

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## Eligibility

- Service Related Chronic Disability or Illness.
- Discharge was not Dishonorable.
- Disability must not have arisen from willful misconduct.





# Service Connected Compensation

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## Requirements

In order to establish a right to compensation with the Department of Veterans Affairs (VA) for a present disability, a veteran must show:

1. The existence of a present disability
2. In-service incurrence or aggravation of a disease or injury, and
3. A causal relationship between the present disability and a disease or injury incurred or aggravated during service. (The “Nexus” requirement)



# Examples

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## Direct Service Connection

- Incurrence of injury to right knee on active duty. Received treatment for right knee injury on active duty or received a profile for the right knee injury. Current diagnosis for right knee with documentation that show chronicity since discharge from service.

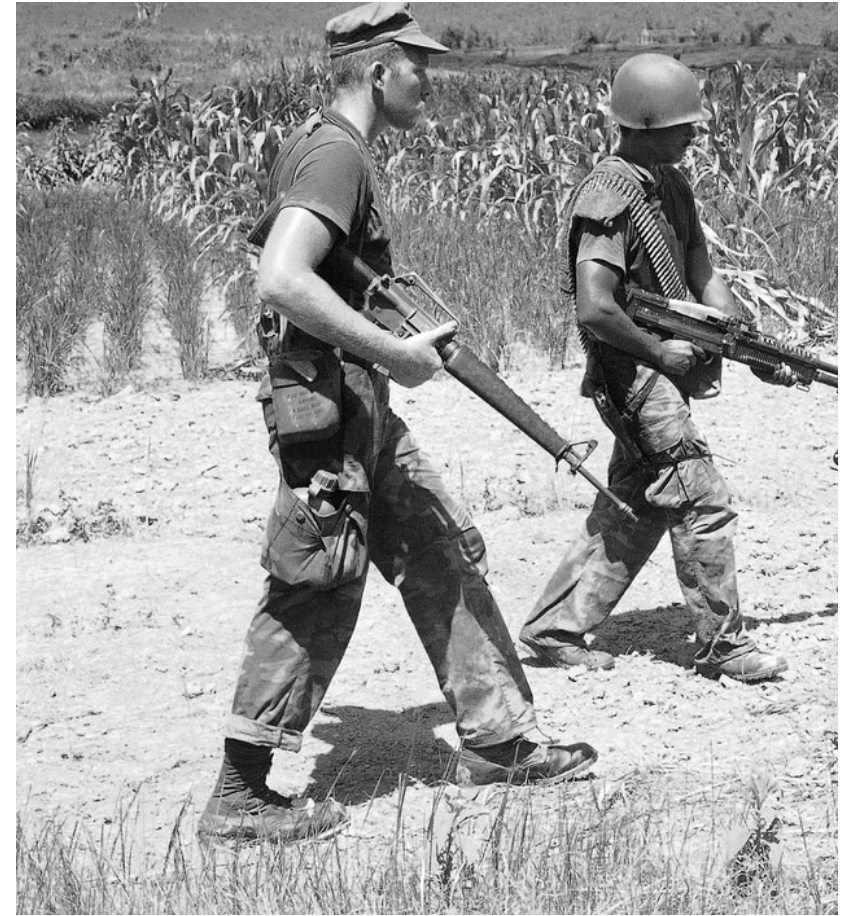


# Examples

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## Presumptive Service Connection

Diagnosed with a chronic disease such as Ischemic Heart Disease (A presumptive disability related to Agent Orange Exposure). Active duty service in country in the Republic of Vietnam or on board a Navy Ship that was in the offshore waters of the Republic of Vietnam and Cambodia or, who had service in the Korean Demilitarized Zone (DMZ).



# Examples

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## Aggravation of Pre-Service Disability

A veteran played football in high school and blew out their knee. The veteran had to get a release from a doctor to go into the service. While serving, the veteran permanently reinjured that knee causing a chronic disability. This claim would be filed as an aggravation of service disability.





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# Agent Orange Presumptives

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## 17 Conditions (as of March 2021)

- Amyloid light-chain (AL) amyloidosis
- Chronic B-cell leukemias
- Chloracne
- Diabetes mellitus, Type 2
- Ischemic heart disease
- Hodgkin's lymphoma, formerly known as Hodgkin's disease
- Non-Hodgkin's lymphoma
- Multiple myeloma
- Parkinson's disease
- Peripheral neuropathy, early-onset
- Porphyria Cutanea Tarda
- Prostate cancer
- Respiratory cancers (lung, bronchus, larynx or trachea)
- Soft-tissue sarcoma (other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma).
- Parkinsonism (added March 2021)
- Bladder cancer (added March 2021)
- Hypothyroidism (added March 2021)



# Agent Orange Presumptives (

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- Claims filed with any of the new presumptives that were added in 2021 are taking a longer time to process due to the Nehmer Law and the requirement for the VBA to review the entire file.
- We have been advised by VBA and recommend filing a claim for chronic systemic disabilities even if they are not on the list of presumptives provided the veteran meets the requirements of service for Vietnam. Disabilities may be added in the future and those claims would fall under the Nehmer Law.
- Agent Orange Registry at VA Medical Center, Environmental Health Coordinator Dayton, OH (937) 268-6511 x5807





# Blue Water Navy

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- To be eligible to VA benefits, these Veterans must have served between January 9, 1962 and May 7, 1975 and have one or more of the conditions that are listed in Section 3.309(e) of Title 38, Code of Federal Regulations.
- The law extends a presumption of herbicide exposure to Blue Water Navy Veterans who served in the Republic of Vietnam and the offshore waters.



# Blue Water Navy(vn(t)

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- Public Law 116-23, Blue Water Navy Vietnam Veterans Act 2019 was signed into law on June 25, 2019 and took effect January 1, 2020.
- Blue Water Navy Survivors and certain dependents may be entitled to benefits if the Veteran was exposed. Under the law, certain Veterans who served in the offshore waters of the Republic of Vietnam and Cambodia or who had service in the Korean Demilitarized Zone (DMZ) may be entitled to disability compensation for conditions that are related to herbicide exposure.
- VBA will verify, by Ships Log Books, the service was within the area stated in the law.



# Burn Pit Compensation

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## What is a burn pit?

Military burn pits are large areas of land in which the military and its contractors incinerated all waste generated by military bases, including:

- Chemicals, paint, medical and human waste.
- Metal and aluminum cans.
- Munitions and unexploded ordnance.
- Petroleum and lubricant products.
- Plastics, rubber, wood, and food waste.



# Burn Pit Compensation

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## Presumptive Disabilities (effective 8/5/2021)

- Asthma
- Rhinitis
- Sinusitis, to include rhinosinusitis

## Burn Pit Registry

[veteran.apps.va.gov/AHBurnPitRegistry/index.html#page/noaccess](https://veteran.apps.va.gov/AHBurnPitRegistry/index.html#page/noaccess)



ANY QUESTIONS?



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  - ☐ Survivor Benefits



# Burial Benefits

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## Eligibility

- Death benefits for all veterans discharged under honorable conditions who have met minimum active duty service.
- Burial benefits requires that the member served on active duty, or that the death was due to an injury or disease that developed or was aggravated during active duty, active duty for training, or inactive duty for training. Also eligible if entitled to or receiving retirement pay.





# Burial Benefits

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## Internment at a National Cemetery

- Encourage veterans to complete Pre-need Determination of Eligibility for Burial in a VA National Cemetery. Encourage veterans who are unsure of their eligibility to do the Pre-Need Determination.
- The funeral homes make the arrangements with the National Cemetery.
- Internment at National Cemeteries cover the opening and closing of the grave, if a casket is used, a liner for the casket, headstone or marker.
- If the veteran is married at the time of death the surviving spouse can also be buried with the veteran in the National Cemetery.



# Burial Benefits

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## VA Markers, Headstones, & Medallions

- The VA Form must be signed by Cemetery official certifying the item meets their policies and guidelines.

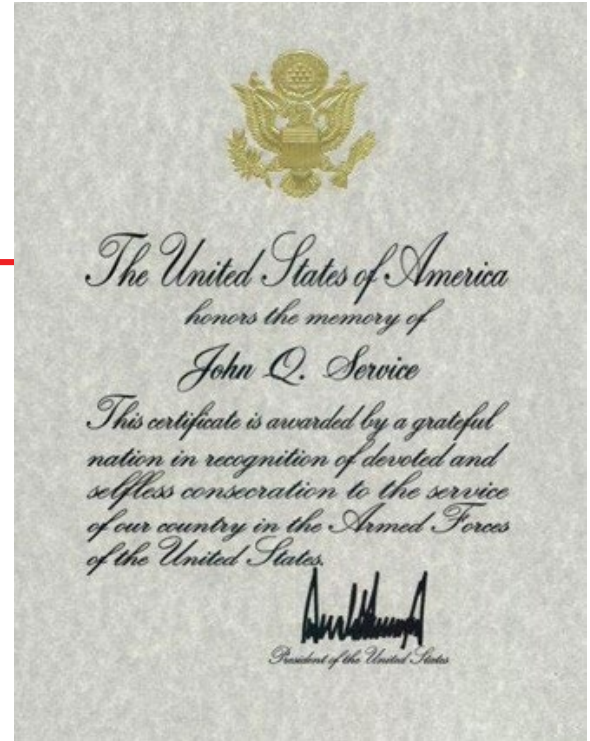


# Burial Benefits

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## Burial Flags and Certificates

- The Burial Flag is generally provided by the funeral home or national cemetery but can also be obtained from Post Office or VA Regional Office.
- Presidential Memorial Certificates are signed by the sitting President at the time they are ordered and there is no limit to the number which can be ordered.



# Burial Benefits

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## Flags and Holders

- Flag and Flag Holder for grave and any other local benefits including Indigent Burial if eligible are provided through the MCVSC office.

## Burial Options

- National Cemeteries accommodate both traditional burials and cremations.



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# Survivor Benefits

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## Claims Pending at Time of Death

Accrued benefits are benefits that are due, but not paid prior to a Veteran's death. Examples include:

- A claim or appeal for a recurring benefit was pending at the time of death, and all evidence needed for a favorable decision was in VA's possession.
- A claim for a recurring benefit had been allowed, but the beneficiary died before award.
- At the time of death, one or more benefit checks were not deposited or negotiated.





# Survivor Benefits

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## Claims Pending at Time of Death

### Substitution Of Claimant

- Substitution is a type of accrued benefit. If a claimant dies during a pending claim or appeal, someone eligible to receive accrued benefits can act as substitute to complete the claim.





# Survivor Benefits

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## DIC (Dependency & Indemnity Compensation) Eligibility

Cause of death related to service-connected disability, or

Cause of death related to a presumptive disability, or

Rated at 100% P & T or IU for 10 years or more

- If the widow(er) is on record with the VA, DIC is generally paid automatically if the veteran was rated at 100% P&T or IU for 10 years or more.



ANY QUESTIONS?



# THANK YOU!

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