

VA Online Letter #1:
The Nuts and Bolts Guide to Veterans Benefits
VA Aid and Attendance and Survivor's Pension:
The Quest for the Widow's Pension
Revised July 3, 2007

You might feel like I did. Someone you love desperately needs help! That was how I got started in the VA benefits maze. Someone I loved was a living widow of a wartime veteran and she needed help to pay for long-term care expenses. I had heard that there was some type of veteran's benefit available, but I didn't know exactly what it was or how to get it. To make matters worse, I should've known about VA benefits—after all, I am a full-time lawyer who works with seniors, helping them with estate planning, disability issues, and Medicaid assistance, a type of law practice called “elder law.”

The truth is that I did *not* know—and I did not know any other lawyers who did know anything about veteran's benefits that would help my loved one.

Part of the reason is that our Congress has erected a wall around VA benefits. The only folks who are legally authorized to provide information to veterans about benefits are:

1. Federal Veterans Administration employees and employees of state Departments of Veteran's Affairs;
2. Authorized representatives of Veterans Service Organizations like the VFW, American Legion, among others; and
3. Attorneys licensed to practice law in the veteran's state.

Right! We lawyers are authorized to provide veteran's benefit information—but federal law prohibits a lawyer from charging a fee to actually assist a veteran file a VA claim for benefits. We are supposed to work for free!

The reason that Congress does not allow attorneys to charge a veteran to file a VA benefit claim form is based on the idea that:

- There are supposedly plenty of capable and trained VA employees available to help vets fill out VA claim forms for free;
- There are supposedly plenty of capable and trained volunteers available at the Veteran's Service Organizations to help fill out VA claim forms; and
- Veterans should be protected from attorneys who would overcharge them by doing something so supposedly simple as completing and submitting a VA claim form.

If you have not already tried to get help from either the Veterans Administration or a Veteran's Service Organization, then I highly recommend that you try to do that immediately. Those folks truly want to help you. Unfortunately, many of you have already tried to find help and have become frustrated. Read on for some free guidance.

You may be thinking that lawyers are just a bunch of money-grubbing rascals, and we ought to be able to serve the veterans for free. The truth is that many lawyers in this country volunteer enormous amounts of time for lots of different charitable causes. But—you know what? Lawyers are just like you—they first need to take care of their families and pay their bills. All of us devote most of our energy to working on something that pays our bills. If we are blessed with extra time, talent, and resources, then we can give something of what we have “left over.”

That was my situation. I had actually looked into the VA benefit, but I had been frustrated at the time and energy that it would take me to become professionally able. Bluntly, I needed to pay attention to the work I already did for clients and the strategies to help them that I already knew.

Then one day all that changed and I got kicked in the pants! Read on to learn how.

My old high school buddy Victor called. He said, “Rick, you are Mom’s attorney and we just learned from my sister-in-law in Florida that Mom might qualify for a VA widow’s pension because Dad was a pilot during World War II.”

I responded, “That is probably right, Vic, but I have gone to three different legal education classes about that VA benefit and I still don’t know how to get that pension.”

There was a pause as Victor breathed in—and then he said, “Rick, you’re a lawyer, right? You can find out! Mom has Parkinson’s Disease and she needs that money.” I gulped and then made a promise: “Okay, Victor, I’ll find the answers.”

He was right. I am an attorney who works full time helping frail seniors get quality long term care—as I said, our law practice concentration is elder law. Most of our clients are between 65 and 101. They are honest, hard-working people who fought in our wars, worked in our factories, and sent their kids to college. They live on two Social Security checks and a very modest pension. They are frugal people who paid off their homes and cars, and they live without debt. Most of them were living well and happy until the wrecking ball of dementia or long-term physical disability struck them. Now, the healthy spouse and the caregiving children are scrambling to find out how to pay the monthly \$5,000 to \$8,000 nursing home bill. They are panicky, lost, and alone.

That is where the elder law attorney comes into the picture. It is our job to help our clients and client families to get the best financial savings, best health care, and best protection for the client and other healthy family members. Families call us because they are worried that unless they find some long term care help, they will soon be out of money—and when you’re out of money, you’re out of options!

Our job is to safeguard our client and our client’s family, so that they will never be out of money, and never out of options. We are their trustworthy guide through the minefield of health care, insurance, taxes, finances, Medicare, Medicaid, veteran’s benefits, family dynamics, and end-of-life issues.

It is a high stakes game, and I learned long ago—there is one law for the unrepresented person and a totally different law for the empowered person who is represented by a capable advocate. Law ElderLaw is a capable advocate for more than 250 Illinois families every year!

Hey—let’s get back to those VA benefits . . .

You need to know that Victor’s dad and mom, Jack and Nell, had played a special nurturing role in my life. Both Jack and his partner, Don Dise, had been my mentors. They were homebuilders who invested their time in me and taught me how to run a successful business and treat customers, employees, and my community according to the Golden Rule—e.g., always treat others as you wish to be treated—with respect and integrity.

Nell had always welcomed me into their home and treated me as one of her family. Now, she needed my help and I was determined to get the job done for her.

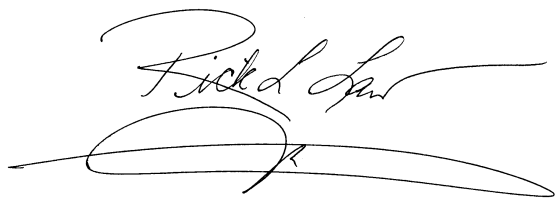
I will reveal the end of this story before we trudge through the details of how these VA benefits may help your loved one . . . We did get Nell a widow’s pension of \$976 per month to help her pay for her \$4,000 per month assisted living fees. Her son Victor thanked me and said, “You might want to know that we had only about one year’s worth of money left—so this award will help us to stretch it out for at least four more months of private-pay dignity. We will be eternally grateful.”

I did it for Nell, the widow of my mentor, Jack, who helped me when I needed a hand—and now as a tribute to Jack, I am going to help you to help someone you love.

Tomorrow’s letter will begin to give you the “nuts and bolts” of the VA benefit for the over-65 wartime veteran or survivor spouse who is medically and financially needy.

Your homework is to know the household income of your ill loved one and to have an estimate of their ongoing medical expenses for the next twelve months.

Until tomorrow,

A handwritten signature in black ink, appearing to read "Rick Law". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Elder law attorney serving seniors and those who love them

After reading this information, we strongly recommend that you contact an elder law attorney such as those at Law ElderLaw to determine if you qualify. An elder law attorney can assist you and your family by explaining many difficult-to-understand things about long term care. Qualification for a VA benefit is only one of several concerns that must be considered. As you struggle to provide dignified long-term care for a wartime veteran and/or surviving spouse, we

can help you understand the options. We are your advocates, and we want to help you stretch your hard-earned dollars further. VA benefits are only one part of the puzzle. We will hold your hand and guide you every step of the way as we consider all of your family's resources and needs.

Contact Us:

<http://www.lawelderlaw.com/contact-va-benefits.htm>

Official Dates for Periods of War

Mexican Border:	May 9, 1916 to April 5, 1917
World War I:	April 6, 1917 to November 11, 1918 April 1, 1920 if served in Russia
World War II:	December 7, 1941 to December 31, 1946
Korean War:	June 27, 1950 to January 31, 1955
Vietnam War:	August 5, 1964 to May 7, 1975 February 28, 1961 if served in Vietnam
Persian Gulf War:	August 2, 1990 to [date not yet determined]

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