



*Helping Older Persons with Legal &
Long-Term Care Problems*

VETERANS' NON-SERVICE CONNECTED PENSION

1. Which Veterans Are Eligible For A VA Non-Service Connected Pension?

A VA Nonservice-Connected (NSC) pension is a needs-based program founded on wartime service and the Veteran having a NSC disability, or age 65, and low net worth. Though eligibility is based on individual financial need and claims are decided on a case-by-case basis, there are several criteria that must be met:

- 1) The Veteran must meet one of the following age or disability criteria for an Improved NSC Pension:
 - a) Age 65 or older, or
 - b) Have a permanent and total non-service connected disability, that is not the result of his willful misconduct, that will continue throughout the Veteran's lifetime and prevents the Veteran from sustaining employment, or
 - c) Reside in a nursing home, or
 - d) Receive Social Security Disability benefits.
- 2) The Veteran must also meet certain service requirements:
 - a) The Veteran must not have been dishonorably discharged; and
 - b) Must have served at least 90 days of active duty,
 - c) with 1 active duty day during a period of wartime.
- 3) Financially, the Veteran must be of limited net worth
 - a) Net worth is defined as annual countable family income plus assets. [\[1\]](#)

2. Is There A VA NSC Survivor's Pension?

Yes. The NSC Survivors Pension benefit, which is sometimes referred to as a Death Pension, is a tax-free monetary benefit payable to a low net worth, un-remarried surviving spouse and/or unmarried child(ren) of a deceased Veteran with wartime service.

Specifically, the deceased Veteran's discharge and service requirements in #1 above remain the same and:

- 1) The surviving spouse must remain unmarried; and/or
- 2) The surviving unmarried children of the deceased Veteran are either:
 - a) under 18 years of age,
 - b) became permanently "helpless" before 18 years of age, or
 - c) are between the ages of 18 and 23 and are in the process of pursuing a course of study at an approved institution such as college or vocational school.
- 3) Financially, the Veteran's survivor must be of limited net worth

Note that if the deceased Veteran entered active duty after Sept. 7, 1980, she must have served at least 24 months of active-duty service. If the length of service was less than 24 months, the Veteran must have completed her entire tour of active duty. [\[2\]](#)

3. What Wartime Periods Are Recognized For Pension Benefits?

The following are recognized as wartime periods for pension benefits eligibility:

- World War II (December 7, 1941, to December 31, 1946)
- Korean conflict (June 27, 1950, to January 31, 1955)
- Vietnam War era (February 28, 1961, to May 7, 1975, for Veterans who served in the Republic of Vietnam during that period. August 5, 1964, to May 7, 1975, for Veterans who served outside of the Republic of Vietnam.)
- Gulf War (August 2, 1990, through a future date to be set by law or presidential proclamation). [\[3\]](#)

4. How Is My Net Worth Calculated?

While some assets are excluded, including but not limited to the Veteran's home, cars and personal property, the remaining assets and annual countable income are combined, minus any debt you owe, to determine your net worth. The net worth limit to qualify for a Veterans NSC Pension as of December 1, 2020, is \$130,773. This figure increases annually by the same percentage as Social Security cost-of-living increases.

Even If your net worth is under the qualifying limit, your needs-based pension claim may still be denied based on your individual financial situation. However, the VA is known not to deny "net worth" under \$80,000. If your net worth is more, you may have to explain why it is not enough to provide adequate maintenance of your reasonable lifestyle.

In determining whether some part of your assets should be consumed for your maintenance, the VA will consider your income, together with the following factors: whether some assets can be readily converted into cash at no substantial sacrifice; the cost of living for your area; your ability to dispose of property as limited by community property laws; life expectancy; and potential rate of depletion, including for unusual medical expenses.

Note that when you file your pension claim, the VA will look back three years at your finances to see if you transferred assets for less than fair market value to become eligible for a VA Pension. If so, you may be subject to a penalty period of up to 5 years during which you won't be eligible for pension benefits. [\[4\]](#)

5. Is There A Maximum Annual Pension Rate (MAPR)?

Yes. In addition to the NSC Pension applicant's "net worth" not providing adequate maintenance of the applicant, the applicant's "countable income" must be below the Maximum Annual Pension Rate (MAPR). [\[5\]](#)

You are a Veteran who qualifies for a Pension and . . .	Max MAPR – No Dependents	Max MAPR – 1 Dependent
You don't qualify for Housebound or Aid and Attendance benefits	\$ 13,931	\$ 18,243
You qualify for additional Housebound benefits	\$ 17,024	\$ 21,337
You qualify for additional Aid and Attendance benefits	\$ 23,238	\$ 27,549

You are a surviving spouse who qualifies for a Pension and . . .	Max MAPR – No Dependents	Max MAPR – 1 Dependent
You don't qualify for Housebound or Aid and Attendance benefits	\$ 9,344	\$ 12,229
You qualify for additional Housebound benefits	\$ 11,420	\$ 14,300
You qualify for additional Aid and Attendance benefits	\$ 14,934	\$ 17,815

6. How Much Of The MAPR Does VA Pay To An Individual?

The VA takes the following steps to determine your monthly NSC Pension payment:

- 1) VA determines the Maximum Annual Pension Rate (MAPR) for your situation, as set by Congress.
- 2) Next, the VA determines your “countable income”. This is done by subtracting income exclusions and certain expenses as provided by law from your total annual income.
- 3) VA then subtracts your countable income from the MAPR. This difference is your yearly pension entitlement.

VA divides this amount by 12 and rounds to the nearest dollar. This is the amount of your monthly NSC pension payment. [\[6\]](#)

7. What Is My Countable Income?

The VA excludes certain income and deducts certain expenses from your annual household income to calculate your countable income. This reduction of your annual income will increase your monthly NSC pension payment.

Federal law lists 23 income sources that are excluded from income. Veterans should make sure that when applying for a NSC pension, all exclusions are applied and only income not excluded is counted. Excluded income includes income tax refunds, needs-based welfare payments, relocation payments, home energy assistance, SNAP benefits, crime victim compensation, cash surrender value of life insurance and agent orange settlement payments. [\[7\]](#)

Allowable deductions from income include unreimbursed medical expenses that exceed 5% of the MARP, such as premiums for healthcare, including Medicare Part B, and long-term care insurance, educational expenses and expenses of last illnesses, burials, and just debts for the Veteran, spouse or child. [\[8\]](#)

8. Calculating A VA NSC Pension Amount.

Unreimbursed medical expenses that exceed 5% of the VA Maximum Annual Pension Rate (MAPR) can be deducted from income. So, for a surviving spouse whose MAPR is \$9,344, any unreimbursed medical expenses over \$467 can be used to lower her countable income and thus increase her monthly VA NSC Pension. [\[9\]](#)

As an example:

- The MAPR for a surviving spouse with no dependents is \$9,344 per year.
- The surviving spouse's annual countable income is \$12,000.
- After subtracting her unreimbursed medical expenses over \$467 and other deductions, her countable income is reduced to \$7,500 per year.
- The MAPR of \$9,344 minus \$7,500 of countable income equals \$1,844 per year of VA NSC Pension.
- The \$1,844 yearly VA NSC Pension is divided by 12 months to determine the monthly amount.

The surviving spouse receives a VA pension of \$155 monthly in this example.

9. Are There Extra Benefits Available To Add to the NSC Pension?

Yes. There are two extra benefits, sometimes called “improved pension benefits”, that can be claimed along with this NSC pension. The two benefits are Aid and Attendance and Housebound Benefits. The Veteran's housebound benefit is usually less than the Aid and Attendance benefit and you can't get both benefits at the same time. [\[10\]](#)

These improved pension benefits paid to a Veteran or surviving spouse who is in need of aid and attendance or is housebound, i.e., substantially confined to home or immediate premises by reason of one or more permanent disabilities, are not considered income for SSI or Medicaid purposes. [\[11\]](#)

10. How Do I Qualify For VA Aid And Attendance Benefits?

If you receive a NSC VA Pension and you meet at least one of the requirements listed below, you may be eligible for Aid and Attendance benefits.

- 1) You need another person to help you perform daily activities, like bathing, feeding, and dressing, or
- 2) You have to stay in bed—or spend a large portion of the day in bed—because of illness, or

- 3) You are a patient in a nursing home due to the loss of mental or physical abilities related to a disability, or
- 4) Your eyesight is limited (even with glasses or contact lenses you have only 5/200 or less in both eyes; or concentric contraction of the visual field to 5 degrees or less).

NSC Pensioners who receive home care or assisted living, as an alternative to nursing facility institutionalization, should also apply for this benefit. [\[12\]](#)

11. If I Disagree With A VA Decision Regarding My Benefits, What Appeal Rights Do I Have?

Every claimant has the right to written notice of all decisions made on his or her claim and the right to a hearing on any adverse action that may have been taken. If the initial administrative decision is unfavorable, the Veteran has the right to appeal this decision to the Board of Veterans' Appeals (BVA) within one year. If the decision of the BVA is adverse, then this decision may be appealed to the Court of Veterans' Appeals within 120 days. The claimant may seek relief from a decision of the Court of Veterans' Appeals by appealing to the U.S. Federal Circuit Court of Appeals. [\[13\]](#)

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Pro Seniors, Inc.
7162 Reading Rd.
Suite 1150
Cincinnati, Ohio 45237

Switchboard: 513.345.4160
Clients Toll-free: 800.488.6070
Fax: 513.621.5613
TDD: 513.345.4160

E-mail: proseniors@proseniors.org
Web Site: www.proseniors.org

Endnotes: *[Click the endnote number "[1]" to return to the text]*

[1] [38 U.S.C. § 1521\(a\)](#) - Veterans of a period of war;

[38 C.F.R. § 3.3\(a\)\(2\)](#) – Section 306 pension. “A benefit payable monthly by the Department of Veterans Affairs because of nonservice-connected disability or age”.

[38 CFR § 3.1\(e\)](#) – Definitions – Veteran of Any War

See also, [Ask VetsFirst Knowledge Book: Veterans Guide to VA Benefits: Chapter 8: VA Pension Non-Service Connected Disability, Section 8.3: Eligibility for Non-Service Connected Pension](#)

[VetsFirst.org](#) is a program of United Spinal Association that assists Veterans and their eligible family members in obtaining the benefits they are entitled to, deserve and need. [Ask VetsFirst](#) is a free support service for Veterans and their family members. You can find Knowledge Books on a wide range of veterans’ topics or have one of their counselors answer your questions.

[2] [U.S. Department of Veterans Affairs Website, VA Survivors Pension](#)

[3] [38 CFR § 3.2](#) - Periods of war;

[U.S. Department of Veterans Affairs Website, VA Survivors Pension](#)

[4] [38 CFR § 3.274](#) - Net worth and VA pension;

[38 CFR § 3.275](#) - How VA determines the asset amount for pension net worth determinations;

[38 CFR § 3.276](#) - Asset transfers and penalty periods;

See also, [Ask VetsFirst Knowledge Book: Veterans Guide to VA Benefits: Chapter 8: VA Pension Non-Service Connected Disability, Section 8.7: Net Worth requirement for Non-Service Connected Pension](#)

[5] [U.S. Department of Veterans Affairs Website, 2021 VA Survivors Pension Benefit Rates](#), Find your Maximum Annual Pension Rate (MAPR) amount;

[38 U.S. Code § 1541](#) - Surviving spouses of veterans of a period of war;

[38 U.S. Code § 1542](#) - Children of veterans of a period of war;

[38 CFR § 3.23](#) - Improved pension rates - Veterans and surviving spouses;

See also, [Ask VetsFirst Knowledge Book: Veterans Guide to VA Benefits: Chapter 8: VA Pension Non-Service Connected Disability, Section 8.4: Maximum Annual Pension Rate for VA NSC Pension](#)

[6] [38 CFR § 3.23](#) - Improved pension rates - Veterans and surviving spouses

[38 CFR § 3.29](#) - Rounding

See also, [Ask VetsFirst Knowledge Book: Veterans Guide to VA Benefits: Chapter 8: VA Pension Non-Service Connected Disability, Section 8.5: Countable Income for Non-Service Connected Pension](#)

[7] [38 CFR § 3.271](#) - Computation of income;

[38 CFR § 3.272](#) - Exclusions from income;

See also, [Ask VetsFirst Knowledge Book: Veterans Guide to VA Benefits: Chapter 8: VA Pension Non-Service Connected Disability, Section 8.6: Allowable Deductions from Countable Income for VA Pension](#)

[8] [38 CFR § 3.278](#) - Deductible medical expenses;

[38 CFR § 3.272](#) - Exclusions from income

[9] [38 CFR § 3.278](#) - Deductible medical expenses

[10] [38 CFR § 3.1\(w\)](#)- Definitions (Improved pension);

[38 U.S. Code § 1541](#) - Surviving spouses of veterans of a period of war;

[38 CFR § 3.351](#) - Special monthly dependency and indemnity compensation, death compensation, pension and spouse's compensation ratings ((b) Aid and attendance; need. (c) Aid and attendance; criteria (d) & (f) Housebound;

See also, [Ask VetsFirst Knowledge Book: Veterans Guide to VA Benefits: Chapter 8: VA Pension Non-Service Connected Disability, Section 8.9: Extra Benefits to add to the Non-Service Connected Pension](#)

[11] [20 CFR § 416.1103\(a\)\(7\)](#) - What is not income? (SSI);

[42 CFR § 435.831\(b\)\(2\)](#) - Income eligibility (Medicaid)

[12] [38 CFR § 3.352](#) - Criteria for determining need for aid and attendance and “permanently bedridden”;

See also, [U.S. Department of Veterans Affairs Website, VA Aid and Attendance benefits and Housebound allowance](#)

[13] [38 CFR § 3.2500](#) - Review of decisions