

NSC Pension



North Dakota Department of Veterans Affairs



Henry J. Gerving

**Veteran Service Officer (VSO), Golden Valley County,
ND**



Command Sergeant Major (RET)



What We Will Cover

- **Accrued Benefits**
- **Dependency and Indemnity Compensation (DIC)**
- **Up-Front Eligibility Verification**
- **VA Standardized Forms**
- **Burial Benefits**
- **Veterans Pension and Survivors Pension**
- **Questions**

1SG Gary Keziah, Jr.



Gary P. Keziah, Jr., son of Gary Patterson Keziah, Sr. and Delores Faye (Gilmore) Snodgrass, was born March 29, 1967 in Charlotte , North Carolina . Gary was a graduate of Tomball High School . He later earned his Associate's Degree in General Studies from North Harris County Community College .

On June 30, 1987, Gary enlisted in the United States Army and had earned the rank of First Sergeant. He was currently serving as an instructor at the Military Police Advanced Noncommissioned Officer's Academy. For his faithful and loyal service to his country, Gary earned several awards and commendations, which include: Bronze Star Medal; Meritorious Service Medal (3rd Award), Army Commendation Medal (5th Award), Army Achievement Medal (9th Award) Army Good Conduct Medal (5th Award), National Defense Service Medal (2nd Award), **Afghanistan Campaign Medal**, Armed Forces Expeditionary Medal, Humanitarian Service Medal, NCO Professional Development Ribbon (3rd Award), Army Service Ribbon, Overseas Service Ribbon (3rd Award), Multinational Force Observer Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, **Combat Action Badge**, Air Assault Badge, Gold Recruiter's Badge with 3 Star Sapphires, Drivers Badge, German Armed Forces Marksmanship Badge (Silver), Joint Meritorious Unit Award, Army Superior Unit Award and the Coast Guard Meritorious Unit Citation.

On November 7, 1987, Gary was united in marriage to Melissa Lee Sanford at her parent's home. They shared over 19 years of marriage together and were blessed with three beautiful children: **Kathryn Nicole (Katie), Gregory Scott (Greg) and Justin Richard.**

Gary was a very active person and enjoyed running marathons. In his leisure time, he liked to drink beer and watch football. Most importantly, he treasured the times that he could spend with his family, especially Melissa and the children.

Gary passed away on Saturday, December 16 as the result of an auto accident on East Hwy 32, in Lebanon, Missouri at the age 39 years.

Gary leaves to cherish his memory, his wife: Melissa and 3 children: Kathryn, Gregory and Justin of the home; his mother: Delores Snodgrass and husband, Richard; his father: Gary Keziah, Sr. and wife, Charlane; brother: John "Bill" Keziah; two sisters: Terra Shuck and Wendy Furr; along with several nieces, nephews and other relatives and friends.

Funeral services with military honors were held at 11 a.m. Thursday, December 21, in the Memorial Chapel of Waynesville-St. Robert with Chaplain (MAJ) Clark Rabe. Friend of Gary, Christopher A. Truszkowski gave a beautiful eulogy. Soloist Becky Lercher sang "How Great Thou Art" and the song "Amazing Grace" was played bagpipes. Serving as escorts were the United States Army. Military honors were provided by the United States Army of Fort Leonard Wood. Services were under the direction of Memorial Chapel of Waynesville-St. Robert.

PV2 Edison Amaya



Edison Amaya, 19, of Fort Leonard Wood, Missouri, formerly of Caldwell and Salt Lake City, **died Sunday July 29, 2007, the result of an automobile accident in Missouri.** Graveside services will be held 10 a.m. Tuesday, August 7, 2007 at the Idaho State Veterans Cemetery, Boise, under the direction of Flahiff Funeral Chapel, Caldwell. A memorial service in Utah will be announced at a later date.

Private Edison was born 24 September 1987 in Ontario, Oregon and joined the United States Army 17 January 2007 at the young age of 19. He attended Basic and Advanced Individual Training at Fort Leonard Wood with B Company, 35th Engineer Company, 1st Engineer brigade and graduated 18 May 2007 to become a combat engineer. He attended cross training on the operation of construction equipment with 94th engineers. Under the instruction of SSG John Collins, he became an equipment operator and completed the training 20 April 2007. He was assigned to 232nd Engineer Company of the 94th Engineer Battalion. He was promoted to PV2 17 June 2007. His awards include the Army Service Ribbon, National Defense Service Medal, the Global War on Terrorism Medal, and the sharpshooter proficiency badge with the M16A2 rifle, where he held the highest qualification score for the company.

Before joining the Army, PV2 Amaya lived in Idaho and Utah, spending time with both his mother and father. He attended school at Hunter High in Salt Lake City, Utah where he lived with his father, and at 18 he moved to Idaho to spend time with his mother. His hobbies included skateboarding, music, fishing, and camping. He also dreamt of owning his own race car someday.

He loved music, and was always making music of his own. His love of rapping inspired him to create his own rap songs. You could always count on him to be humming, singing, or dancing. He was a bright light in our lives who could always lift our spirits.

PV2 Amaya is survived by his father and stepmother, Miguel and Kathy Amaya III; mother and stepfather, Lisa and Carl Ramey; older brother, Miguel Amaya IV, and future sister-in-law, Rachael Eckhauser; younger brother, Skyler Stowe; younger sister, Shandi Stowe; numerous grandparents, friends, cousins, aunts, and uncles.

In lieu of flowers, donations may be given for the Lisa Ramey Family. This should help them with the transport, funeral, and miscellaneous expenses. If you can donate please make checks payable to Lisa Ramey and mail to Syringa Bank, FBO Lisa Ramey, 1028 W Main ST, Middleton, ID 83644. All remaining donations will be given to the Make A Wish Foundation in Edison's name.

Accrued Benefits

- Benefits the veteran was entitled to at the time of death but have not been paid to beneficiary/survivor by the VA or a pending claim
- Claim must be filed within one year (365 days) of the death of the veteran to get date of death after that it will be date of the application
 - Up to OCT 1996 one year of benefits of accrued Benefits
 - OCT 1996 – NOV 2003 up to 2 years of benefits of accrued Benefits
 - DEC 2003 – Current no limit to years of benefits of accrued Benefits
- No time limit for non-negotiated checks
- Can be eligible by Relationship or Reimbursement

Accrued Benefits

Relationship

- Spouse
- Child(ren) minors or dependent children (which are adult child that became disabled prior to the age of 18 and must not be capable of providing for their own assistance)for VA purposes
 - dependent child going to school, does not count as a dependent child for accrued benefits chapter 35 dependent education benefits
- Parent(s), if dependent on the Veteran at the time of the Veteran's death
- Estate does not count
- VA Form 21-534 or VA Form 21-601 and a copy of beneficiary's death certificate
 - Upon receipt of notification of death (anything in writing could be a copy of the obituary)VA must send application (VA 21-534) to the "preferred dependent" which is not defined
 - If dependents not notified by the VA there is no time limit to file, clock does not start

Accrued Benefits

Reimbursement

- When no one is entitled by basis of relationship, anyone who paid expenses related to the beneficiary's last illness or burial
- VA Form 21-601, copy of beneficiary's death certificate and proof of paid expenses
- No guidance in Statute on how to split entitlement between, spouse, children or parent

Accrued Benefits

Substitution Claim – Veteran had a claim pending at the time of death, evidence to support claim pending at the time of death may be submitted by substitute claimant

- Substitution allows qualifying dependent to be substituted for claimant.
- Prior to 2008 while claim was on appeal, claim died with the veteran In order to receive benefits you had to refile the claim and restart the process

Accrued Benefits

Substitution Appeal – Veteran had an appeal pending at the time of death, will be worked by office with jurisdiction of appeal at time of death

- Right to file for substitution is not a requirement to file for substitution
- Does not automatically become a claim for DIC, even though same form is used
- Based on evidence in the claims file at the date/time of death

Qualifications for Dependency and Indemnity Compensation DIC

- Veteran died of a service-connected condition
- Service-connected condition contributed to the cause of death
- Died of a presumptive service-connected condition
- Had a 100% service-connected evaluation in effect for 10 years prior to death

Up-front Eligibility Verification

- Federal Tax Information (FTI) is data obtained from a claimant's tax return information. This information is provided to VA by Internal Revenue Service (IRS) and Social Security Administration (SSA)
- PMCs will use this information to verify the income of applicants
- Currently applies to Initial Live Pension and Initial Death Pension claims received on or after April 1, 2014

Standardized VA Forms

- VA requires all informal claims to be on a standard VA-Prescribed Form by submitting a complete VA Form 21-0966, *Intent to File Claim for Compensation and/or Pension, or Survivors Pension and/or Dependency and Indemnity Compensation*
- Claimants or his/her representative can establish an effective date placeholder for benefits provided that the complete claim is received within **one year** of the date that the intent to file is received for the same general benefit indicated on the intent to file.

Standardized VA Forms continued

An intent to file may be received from the claimant or his/her representative:

- Electronically via eBenefits or the Stakeholder Enterprise Portal,
- Over the phone with a VA National Call Center or other public contact representative or
- On the paper VA Form 21-0966, which may be mailed, faxed or delivered in person.

Standard Notice of Disagreement (SNOD)

- Claimants will be required to use a standard NOD form in cases where VA provides the form with the decision notice.
- Initially, VA will only provide the form (VA Form 21-0958, *Notice of Disagreement*) for compensation claims decisions.
- This only applies to notification of VA decisions after March 24, 2015

Standardized VA Forms – Common Forms

Intent to File

21-0966

Subsequent Survivors Claim

21-534EZ

21-601

Special Monthly Pension

21-2680

21-0779

Initial Veterans Pension

21-527EZ

21-0518

21-0519

21-0514

Dependency Change

21-686c

21-674

Subsequent Veterans Pension

21-527EZ

Income Adjustments*

21-0516

21-0516/0518

21-0517

21-8416

21-4185

Initial Survivors Claim

21-4165

21-534EZ

*A standard form is NOT required for a report that may cause a reduction in benefits

21-535

Burial Benefits

21-601

21-530

VA Form 21-0996 (Intent to File)

SECTION I: CLAIMANT/VETERAN IDENTIFICATION																													
NOTE: You can <i>either</i> complete the form online or by hand. Please print your information using blue or black ink, neatly and legibly to help process the form.																													
1. CLAIMANT'S NAME <i>(First, middle initial, last)</i>																													
2. CLAIMANT'S SOCIAL SECURITY NUMBER															3. VA FILE NUMBER <i>(If applicable)</i>										4. VETERAN'S DATE OF BIRTH				
																									Month Day Year				
5. VETERAN'S NAME <i>(First, middle initial, last) (If different from claimant)</i>																													
6. VETERAN'S SOCIAL SECURITY NUMBER															7. VETERAN'S SEX										8. VETERAN'S SERVICE NUMBER <i>(If applicable)</i>				
															<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE														
9. CURRENT MAILING ADDRESS <i>(Number and street or rural route, P.O. Box, City, State, ZIP Code and Country)</i>																													

SECTION II: GENERAL BENEFIT ELECTION

IMPORTANT: VA may not be able to use this form to establish an effective date for benefits if you do not select one or more of the general benefits listed below.

13. I intend to file for the general benefit(s) checked below: (Choose all that apply)

☐ COMPENSATION ☐ PENSION

NOTE: Only check the box below if you are a surviving dependent of the veteran.

☐ SURVIVORS PENSION AND/OR DEPENDENCY AND INDEMNITY COMPENSATION (DIC)

On All Forms....

- Make sure there is a proper signature on the form
- Make sure the form is “substantially” complete
- Double-check SSNs and other ID numbers for accuracy
- Provide as much information as possible to expedite the process
- If claiming an additional benefit (ie. SMP) include the signed, completed form for that benefit in the application packet
- When in doubt – call and ask the VA!

Burial Benefits

Types of Burial Benefits

- Non-service connected (NSC)
- Service-connected
- Plot allowance
- Transportation allowance

How to Apply

- Submit VA Form 21P-530 (within two years of death if NSC)
- Death Certificate (needs to show cause of death)
- Statement of Account (needs to show who paid the expenses)
- Certified copy of discharge document (if Veteran was not receiving benefits)

Non-Service Connected Burial

Eligibility:

- In receipt of compensation or pension at the time of death
- Receiving military retired pay in lieu of compensation
- Had a claim pending at the time of death (found entitled)
- Died while under VA care

Plot Allowance:

- The Statement of Account is no longer required. However, it may show additional expenses such as the opening / closing fees that we can allow
- We will only pay the statutory limit or the amount actually paid for the plot expenses, whichever is lower

Service Connected Burial and Transportation

Eligibility:

- Veteran died of a service-connected condition
- Service-connected condition contributed to the cause of death
- Died of a presumptive service-connected condition
- Had a 100% service-connected evaluation prior to death

Transportation

Payable if:

- Veteran dies under VA Care, or
- If died of a non-service connected condition AND was in receipt of service-connected compensation AND is buried in a National Cemetery
- If died of a service-connected condition AND is buried in a National Cemetery
- Statement of Account is required

Changes to Burial Benefits

Applies to claim received on or after July 7, 2014

- When “First to File” rule applies:
 - Spouse receives first priority for automated payments
 - VA will pay the first person or entity who files a claim that incurred the costs of the Veteran’s burial
- Funeral homes may only apply if the Veteran’s remains are unclaimed
- Recognition of cremation, burial at sea, and medical school donation approved
- VA will only pay burial benefits to a single person (no longer split between multiple claimants)
- If the Veteran was 100% service connected at the time of death then service connected burial benefits are automatically paid

Unclaimed Remains of Indigent Veterans

- ***Unclaimed Veteran remains*** are the remains of an identified person
 - who died while not properly hospitalized under VA care
 - who has not been claimed by relatives or friends, and
 - whose burial is not the responsibility of any other Federal, state or local agency.

The burial allowance is payable if:

- The Veteran has no family or friends who claim the Veteran's body and there are insufficient resources to cover burial and funeral expenses.

A funeral home is an eligible claimant if it covered the cost of burying the unclaimed remains of a Veteran.

A statement signed by an official of the State/County must certify that there is no next of kin or other person claiming the Veteran's remains. It must also certify there are insufficient resources in the Veteran's estate to cover burial and funeral expenses.

Automated Burial Process

- Burial and Plot payments are automatically payable to the surviving spouse of record when the First Notice of Death (FNOD) is processed
 - FNOD can be processed by a call center, CVS0 phone line, or other notification
 - If the Veteran was 100% service-connected at the time of death, service-connected burial benefits are automatically paid
 - Information available during FNOD process determines if plot is payable
- VA Form 21P-530, Application for Burial Benefits and supporting documentation is not required unless eligible for transportation and / or plot expenses

Burial and Transportation Rates

Effective Date	10/01/11	10/01/12	10/01/13	10/01/14	10/01/15
SC Burial	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
NSC Burial (hospitalized by VA)	\$700	\$722	\$734	\$745	\$747
NSC Burial	\$300	\$300	\$300	\$300	\$300
State Cemetery	\$700	\$722	\$734	\$745	\$747
Plot Allowance	\$700	\$722	\$734	\$745	\$747

Pension Benefits

Qualifications for Veterans Pension

- 90 days or more of active military service, at least 1 day during a period of war. Effective September 7, 1980, must serve at least 24 months of continuous service (or entire period called to active duty)
- Discharged under conditions other than dishonorable
- Permanent and Total Disability (P&T) by rating, age 65 or older, in receipt of Social Security Disability, or in a nursing home
- Meets income and net worth guidelines

Pension Benefits

Qualifications for Survivors Pension

- Widow or qualifying child of a wartime Veteran with qualifying service
- Meets income and net worth guidelines
- Meets marital requirements as the surviving spouse
- Meets child requirements
 - Under age 18
 - 18 to 23 in school
 - Helpless before age 18

Special Monthly Pension

Housebound

- Substantially confined to the home
- Single disability rated at 100% and an additional disability at 60% or more

Aid and Attendance

- In need of assistance of another person with his/her activities of daily living. i.e. inability to dress or undress, keep ones self clean, adjust prosthetic appliance, or bedridden.
- In a licensed nursing home receiving skilled or intermediate care (granted administratively, medical evidence of disability not required)

Notes:

- Medical evidence needs to include diagnosis and description of severity of each disability
- Must be signed by a health care professional (MD, DO, PA, NP or an RN from a VAMC)

Who Can Sign an Application?

Signatures

M21-1MR. III.ii.1.C.11.a Signature by mark or thumbprint

Accept signatures by mark or thumbprint *only* if any one of the following individuals (or group of individuals) witness the mark or thumbprint:

- two persons who give their addresses
- a VA employee
- a notary public, or
- a person having the authority to administer oaths for general purposes.
- Need signature of claimant even if claimant has a durable power of attorney

Reporting Change in Income

Tell us:

- Source of income
- Date of receipt
- How and when it changed
- If and when it stopped
- Gross amount (before deductions)

Net Worth

The term *net worth* for VA purposes includes all personal property owned by the claimant, except for personal effects suitable to the claimant's reasonable mode of life.

- **For Veterans Pension, a Veteran's net worth includes the net worth of his/her spouse.**
- **This means that normal household objects and possessions are not included in a net worth determination. Likewise, motor vehicles used for family transportation are *not* included in determining net worth, nor is the claimant's home.**
- **However, personal property that is owned primarily as an investment, for example, an antique automobile or a coin collection, is included in determining net worth.**

***Note:* The term *personal property* includes all tangible property that is not land (real property) or fixtures on land.**

Net Worth

A formal administrative decision is required if:

- The beneficiary has net worth of \$80,000 or more, whether or not net worth bars entitlement, or
- Net worth (of any amount) bars entitlement.

Factors to consider include:

- Income
- Family expenses
- Claimant's life expectancy, and
- Ability to convert the assets into cash

Net Worth

Sale of Home

- Considered a conversion of assets
- Change in net worth may affect pension eligibility (submit VA Form 21-8049)
- Termination of benefits due to excessive net worth is effective January 1st of the following year
- If not residing in home, not countable as net worth unless rental income is generated or it is used for business purposes

Net Worth

Excluding the value of a single-family dwelling

- Value of the claimant's single-family dwelling is not included
- If the claimant owns and resides in a multi-family dwelling, only the value of the unit occupied by the unit is excluded from net worth consideration

Example: A claimant owns a duplex worth \$200,000.00 and resides in one of the units. If both units are roughly comparable, consider net worth of \$100,000.00.

Note: If a claimant receives rental income they should submit VA Form 21-4185, Report of Income from Property or Business

Reporting Medical Expenses

Include all five details required when reporting medical expenses (VA Form 21-8416)

- Purpose, amount paid, date paid, name of provider, and who were the expenses for

Report medical expenses for the period _____ thru _____. If no dates appear on this line, refer to the accompanying letter or Eligibility Verification Report for the dates your medical expense report should cover.

5. ITEMIZATION OF MEDICAL EXPENSES

A. PURPOSE <i>(Physician or Hospital Charges Eyeglasses, Oxygen Rental, Medical Insurance, etc.)</i>	B. AMOUNT PAID BY YOU	C. DATE PAID (Mo/Day/Yr)	D. NAME OF PROVIDER <i>(Name of Doctor, Dentist, Hospital, Lab, etc.)</i>	E. FOR WHOM PAID (Self, spouse, child)

Most Common Medical Expenses

- Medicare Part B premiums
 - Private medical insurance
 - Life and burial insurance do not count
 - Prescription and non-prescription drugs
 - Adaptive equipment
 - Care expenses
 - Nursing Home
 - Assisted Living
 - In-home Care
- * For a list of common medical expenses see: M21-1 V.iii.1.G.42.c

Continuing Medical Expenses

- Prediction of future expenses
- Amount and frequency of payment is easily predictable
- Common continuing medical expenses:
 - Nursing home, assisted living, in-home care
 - Private medical insurance
 - Medicare Part B and D
 - Incontinence supplies
 - Diabetic supplies

In-Home Care

- Annual verification is not required
- Specific services provided
- The claimant is required to submit documentation of expenses for in-home care:
 - When in-home attendant fees are initially claimed, AND
 - If the person/company providing the services changes

Nursing Home or Assisted Living

We need to know:

- Date entered
- Projected length of stay
- Facility name
- Facility address and telephone number
- If Medicaid is covering part of the costs

Medicaid \$90 rate

- 38 CFR 3.551 (i) states VA must limit claimants to the \$90/month for a Veteran, surviving spouse or surviving child who:
 - Has neither spouse nor dependent child, and
 - Is in a Medicaid approved nursing facility, and
 - A Medicaid plan covers in part or all of his or her nursing home care.

Note:

- No overpayment is created when reducing to the \$90 rate
- The \$90 payment is for personal use and cannot be used to cover nursing home expenses
- Exception: not reduced to the \$90 rate if in a State Veterans Home
- Be sure to include the name and phone number of the facility
- If claimant has a running award, Due Process is initiated before \$90 rate is set.

How to Calculate VA Pension Rates

$$\begin{aligned} & \text{Annual Income} \\ & - \text{Annual Medical Expenses} \\ & \quad + \text{5\% medical deduction} \\ & = \text{Income for VA Purposes (IVAP)} \end{aligned}$$

$$\begin{aligned} & \text{Maximum Annual Pension Rate (MAPR)} \\ & \quad - \text{IVAP} \\ & = \text{Annual amount} \end{aligned}$$

$$\text{Annual amount} / 12 = \text{monthly amount}$$

Due Process

- Due Process is initiated when information is obtained that could adversely affect a beneficiary's award
 - Information is usually obtained from a third party or through a data matching program
 - VBA will inform the claimant (via notification letter) of new information discovered and give them 60 days to respond
 - After the 60 Day Due Process period, proposed changes will or will not be made based on a claimants response.

Independent Living Facilities

- Per Fast Letter 12-23 (*Room and Board as a Deductible Unreimbursed Medical Expense*), if the claimant is in an independent living facility, we need the following:
 - Itemized list of services provided, specifically the activities of daily living (ADLs)
 - Breakdown of nursing and “rent” fees
 - Date entered
 - Projected length of stay
 - Facility name
 - Facility address and telephone number

Liberalizing Legislation

- Liberalizing Legislation is a law that allows VA to grant benefits up to one year prior to the Veteran's original date of claim
- Who is eligible?
 - A Veteran that is age 65 or older on September 17, 2001
 - Or has been in a Medicaid approved skilled/intermediate nursing home continuously since September 17, 2001
 - Or has been in receipt of Social Security Disability Insurance continuously since September 17, 2001

Liberalizing Legislation

How to Apply for Liberalizing Legislation:

- Submit a Eligibility Verification Report (VA Form 21-0516) and a Medical Expense Report (VA Form 21-8416) for one year prior to the date of claim
- If receiving Special Monthly Pension, we will need an Examination for Housebound Status or Permanent Need for Regular Aid and Attendance (VA Form 21-2680) with information for the year prior to the date of claim
- If the Veteran is in a care facility, we will need care expense information for the year prior to the date of claim

Contact Information

- CVSO line 612-713-8978 (8:00-4:30) Central Time
- VBASPL/PMCVSO (if in outlook)
- Debt Management Center (DMC) 1-612-970-5737

Thank you!

Questions?

