

VA Benefits Briefing

Transition Tools for a Brighter Future



Compensation Disability

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Compensation Service

Objectives

- **Define Disability Compensation**
- **Define Service Connected Disability**
- **Explain the Life Cycle of a Claim**
- **Describe Compensation Benefits directly related to Disability Compensation**
- **Pension**
- **Veterans Service Organization**

Disability Compensation

- Disability Compensation is a tax free monetary benefit paid for a service-connected disability
 - A service-connected disability is a disability resulting from injuries, illness, or disease that was incurred or aggravated while on active duty
 - Discharged under other than dishonorable conditions
 - Compensation is paid for disability ratings from 10% to 100%. Veterans can be rated at 0%, non-compensable
 - Veterans may be eligible for additional compensation if they are very seriously disabled; have qualified dependents; have a seriously disabled spouse

Disability Compensation (Con't)

- A service-connected disability can be established:
 - Directly
 - Due to aggravation of a pre-Service disability
 - Presumptively; and/or
 - Secondary to a Service-connected condition
- No-time limit to apply
 - Pre-Discharge – Programs designed for active duty
 - Post-Discharge
 - Paid retroactively to first of the month after separation/retirement if VA receives the application within one year of separation/retirement.
 - If after one year, generally effective no earlier than the date VA received the application.

Service Connected Terms

- Acute disability – short duration, clear without residuals
 - Common cold, Flu
- Chronic disability – long term duration, never goes away
 - Hypertension, Arthritis, Migraines
- In the Line of Duty – injury or disease incurred while serving on active duty

Service Connected Claims Process

- Original Claims (38 CFR 3.160)
 - Initial formal application on a form prescribed by VA Secretary. For Veterans, it is the VA Form 21-526
- Formal Claims: Letters, Memorandums, and other Communication from claimants or their representatives may be considered formal claims if they:
 - Request increased benefits
 - Reopen previously denied claims
 - Open a new claim
- Informal Claim: Any communication or action that shows an intent to apply for benefits

Life Cycle of a Claim

- Receive and review application
- Provide Veterans Claim Assistant Act (VCAA) Notice (Duty to Assist)
- Schedule a VA examination, if necessary
- Gather evidence
- Prepare a decision using all evidence of record
- Prepare the award of benefits or disallowance document
- Notify the Veteran

Compensation Payment Rate Table

| Rating | Vet Only | Vet+S | Vet+S+1C | Vet+S+2C | Vet+S+3C |
|--------|----------|-------|----------|----------|----------|
| 10% | \$129 | N/A | N/A | N/A | N/A |
| 20% | 255 | N/A | N/A | N/A | N/A |
| 30% | 395 | 442 | 476 | 499 | 522 |
| 40% | 569 | 631 | 677 | 708 | 739 |
| 50% | 810 | 888 | 946 | 985 | 1024 |
| 60% | 1,026 | 1,120 | 1,189 | 1,235 | 1,281 |
| 70% | 1,293 | 1,402 | 1,483 | 1,537 | 1,591 |
| 80% | 1,503 | 1,628 | 1,720 | 1,782 | 1,844 |
| 90% | 1,689 | 1,830 | 1,933 | 2,003 | 2,073 |
| 100% | 2,816 | 2,973 | 3,088 | 3,166 | 3,244 |

S = Spouse C = Child(ren)

Rates effective Dec. 1, 2012

Combined Rating Calculation Appeal Process

Combined Rating Table – 38 CFR 4.25

- Constructed so that in no event will the combined evaluation exceed 100%.
- “Whole person concept”: Presumption that upon entering service, a person is 100% efficient

Appeal Process

- VA Form 4107, Your Rights to Appeal our Decision

Automobile Grants (38 CFR 3.808)

- Financial assistance is available to purchase a vehicle or adapt a vehicle to certain Servicemembers and Veterans
- The Automobile Grant can be issued once in a lifetime and requires:
 - Loss, or permanent loss of use, of one or both feet, OR
 - Loss, or permanent loss of use, of both hands, OR
 - Permanent impairment of vision in both eyes to a certain degree
- Automobile Adaptive Equipment can be used more than once and requires:
 - Those qualified for Auto Grant as above, OR
 - Akylosis of one or both knees or hips

Clothing Allowance (38 CFR 3.810)

- Veterans may be eligible for a clothing allowance if they have:
 - Service-connected condition that requires the Veteran to wear or use a prosthetic or orthopedic appliance (including wheel chairs)
 - Service connected skin condition that requires prescribed medications that cause irreparable damage to outer garments
- Veteran Health Administration Prosthetics and Sensory Aids Service administers the program
 - * Clothing allowance can be paid as a one time benefit, or an annual allowance

Special Monthly Compensation (38 CFR 3.350)

- Additional compensation for the loss or loss of use of specific organs or extremities.
- Loss, or loss of use, is either an amputation or having no effective remaining function
- Special Monthly Compensation may be granted for:

Loss, or Loss of use, of a hand or foot

Immobility of a joint or paralysis

Inability to communicate by speech

Deafness of both ears (absence of air and bone conduction)

Loss of a percentage of tissue from a single breast, or both breasts, from Mastectomy or

Radiation Treatment

Complete loss, or loss of use, of both buttocks

Loss, or loss of use, of a reproductive organ

Loss of sight of an eye (only light perception)

Pension

- Benefit paid to wartime Veterans with limited income, and who are permanently and totally disabled or age 65 or older
 - Disability must not be due to own willful misconduct and need not be related to service
- Who is eligible? A Veteran may be eligible if:
 - Discharged from service under conditions other than dishonorable, AND
 - Served at least 90 days of AD and at least one day during wartime, AND
 - Countable family income is below a yearly limit set by law, AND
 - Permanently and totally disabled, OR
 - Age 65 or older

Veteran Service Organizations

M21-1MR, Part I, Chap 3, Sect A

Accredited Veterans Service Organization Representatives:

- Are recognized by the VA as advocates for Servicemembers, Veterans and Survivors
- Can assist claimants in filing for VA benefits and services
- Must be appointed in accordance with VA Procedures

Examples: Disabled American Veterans (DAV), Veterans of Foreign War (VFW), State VA, American Veterans (AMVETS), Military Order of the Purple Heart (MOPH), American Legion (AL)

Once appointed, VSO Representatives are authorized to prepare, present, and prosecute a claimant's claim, review their records, present evidence, sign an informal claim, withdraw an appeal, etc (38 CFR 14.626 – 14.636)



Questions?