



Helping Ohio Seniors Resolve Legal &
Long-Term Care Problems & Fight Medicare Fraud

Veterans' Non-Service Connected Disability Pension Under the Improved Pension Program

1. Which Veterans Are Eligible For A VA Non-Service Connected Disability Pension Under the Improved Pension Program?

A VA Nonservice-Connected Disability pension under the Improved Pension Program (VA Pension) is a needs-based program that pays cash to veterans that qualify. To be eligible, an applicant must meet the definition of a veteran: a person who served in the active military, naval, air, or space service, and who was discharged or released therefrom under conditions other than dishonorable. An applicant who served in the Reserves may be eligible if they were on active duty. An applicant who served in the National Guard may be eligible if the applicant had active duty stemming from federal service. There are also circumstances where some special types of service or training may meet the definition. Consult with your local county veterans service commission to determine if you meet the definition of a veteran.

A veteran applicant must also meet all of the following eligibility criteria:

- 1) Meet Wartime Service minimum service requirements:
 - a) If started active duty prior to September 8, 1980, must have served 90 days on active duty with at least 1 day during period of war OR 90 consecutive days on active duty with at least 1 day during period of war OR served an aggregate of 90 days on active duty in two or more separate periods of service during more than one period of war OR discharged due to service-connected disability while serving during period of war.
 - b) If started active duty after September 7, 1980, must have served 24 continuous months or full period called to active duty with at least 1 day during wartime OR has any service-connected condition during wartime period.
- 2) Be totally and permanently disabled, but not as the result of willful misconduct. Total and permanent disability is presumed if the applicant is:
 - a) Age 65 or older, or
 - b) A patient in a nursing home for long-term care because of disability, or

- c) Disabled, as determined by the Commissioner of Social Security for purposes of any benefits administered by the Commissioner

If none of the above, the applicant can still prove they are totally and permanently disabled if can show evidence that they are:

- a) Unemployable as a result of disability reasonably certain to continue throughout the life of the person, or
- b) Suffering from:
 - a. Any disability which is sufficient to render it impossible for the average person to follow a substantially gainful occupation, but only if it is reasonably certain that such disability will continue throughout the life of the person; or
 - b. Any disease or disorder determined by VA to be of such a nature or extent as to justify a determination that persons suffering from that disease or disorder are permanently and totally disabled.

3) Have low income and low net worth.

- a) Net worth is defined as annual countable veteran income and dependent income plus assets (including spouse's assets).
- b) Veteran's countable income must be below the Maximum Annual Pension Rate (MAPR)[\[1\]](#)

2. Is There A VA Non-Service Connected Pension For Surviving Spouses?

Yes. The non-service connected survivor's Pension (Survivor's Pension) benefit pays cash to surviving spouses (and in some cases, dependent children) of veterans that qualify. In addition to the deceased veteran meeting the definition of a veteran above with the required wartime service or the veteran at time of death receiving or being entitled to receive compensation or retired pay for a service-connected disability based on service during a period of war, the Improved Survivor's Pension benefit has the following eligibility requirements for a surviving spouse:

- 1) Meet the definition of a surviving spouse by:
 - a. Generally, living continuously with the veteran after marriage for a period of at least one year immediately before the veteran's death if the couple never had children, with some exceptions; or living continuously with the veteran for any length of time if the couple had a child; and
 - b. Generally, not remarrying after the veteran's death, with some exceptions.
- 2) Have low income and net worth.

In limited circumstances, a surviving child of a veteran may qualify for Survivor's Pension. [\[2\]](#)

3. What Wartime Periods Are Recognized For Improved Pension Benefits?

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

- Mexican Border Period (May 9, 1916 to April 5, 1917 for veterans who served in Mexico, on its borders, or in adjacent waters)
- World War I (April 6, 1917 to November 11, 1918)
- World War II (December 7, 1941 to December 31, 1946)
- Korean conflict (June 27, 1950 to January 31, 1955)
- Vietnam War era (November 1, 1955 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 Net Worth Calculated?

The assets of the veteran, veteran's spouse, and veteran's dependent children and annual countable income of the veteran, veteran's dependent spouse, and veteran's dependent children are combined, minus any mortgage or encumbrances specific to the mortgaged or encumbered property, minus assets that are excluded, including but not limited to the Veteran's home (a residential lot area of 2 acres), family transportation vehicles and personal property, to determine the net worth. The net worth limit to qualify for a VA Pension as of December 1, 2024, is \$159,240. This figure increases annually by the same percentage as Social Security cost-of-living increases.

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 that allowed you to become eligible for a VA Pension. If you did, you may be subject to a penalty period of up to 5 years during which you will not be eligible for pension benefits. If transferred assets that caused a penalty period are returned within 60 days of VA's decision of a penalty period and VA receives evidence of the assets being returned within 90 days of VA's penalty period decision, the improper transfer can be partially or fully cured. [\[4\]](#)

5. What Is The Income Limit?

In addition to the VA Pension applicant's "net worth" being below the net worth limit, 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	\$ 16,965	\$ 22,216
You qualify for additional Housebound benefits	\$ 20,732	\$ 25,982
You qualify for additional Aid and Attendance benefits	\$ 28,300	\$ 33,548

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	\$ 11,380	\$ 14,893
You qualify for additional Housebound benefits	\$ 13,908	\$ 17,414
You qualify for additional Aid and Attendance benefits	\$ 18,187	\$ 21,696

6. How Is The Monthly VA Pension Payment Calculated?

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

- 1) VA determines the Maximum Annual Pension Rate (MAPR) for your situation.
- 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. This is the amount of your monthly VA pension payment. [\[6\]](#)

7. What Is My Countable Income?

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

Veterans should make sure that when applying for a VA pension, all exclusions are applied and only income not excluded is counted. Excluded income includes income tax returns, certain welfare payments, expenses of last 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 MAPR, such as premiums for healthcare, including Medicare Part B. [\[8\]](#)

8. Example Of Calculating A VA Pension Amount.

Unreimbursed medical expenses that exceed 5% of the VA Maximum Annual Pension Rate (MAPR) can be deducted from income. For a single veteran with no dependents whose MAPR is \$16,965, any unreimbursed medical expenses over \$848 can be used to lower her countable income and thus potentially increase her monthly VA Pension. [\[9\]](#)

As an example:

- The MAPR for a single veteran with no dependents is \$16,965 per year.
- The veteran's annual countable income is \$14,000.
- The veteran's unreimbursed medical expenses are \$2,848.
- After subtracting her unreimbursed medical expenses over \$848 (\$2,000), her countable income is reduced to \$12,000 per year.
- The MAPR of \$16,965 minus \$14,000 of countable income equals \$4,965 per year of VA Pension.
- The \$4,965 yearly VA Pension is divided by 12 months to determine the monthly amount.

The veteran receives a VA pension of around \$414 monthly in this example.

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

Yes. There are two extra benefits, sometimes called "improved pension benefits", that can be claimed along with this VA pension that increase the overall amount of benefits paid under the VA pension program. The two benefits are Housebound and Aid and Attendance Benefits. The Veteran's housebound benefit is usually less than the Aid and Attendance benefit and you cannot receive both benefits at the same time. [\[10\]](#)

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

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

- 1) Is blind or so nearly blind as to have corrected visual acuity of 5/200 or less, in both eyes, or concentric contraction of the visual field to 5 degrees or less; or
- 2) Is a patient in a nursing home because of mental or physical incapacity; or
- 3) Establishes a factual need for aid and attendance under the criteria set forth in § 3.352(a) (generally, establishing needing help with activities of daily living).

VA Pension beneficiaries who receive home care or assisted living, as an alternative to nursing facility institutionalization, should also consider applying for this benefit. [\[11\]](#)

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

Every claimant has the right to select one of three appeal options from an initial decision: supplemental claim; higher level review; or appeal to the Board of Veterans' Appeals. If a decision to an appeal is adverse, further appeal options are available. Veterans should consult with their county Veterans Service Commission for more information on which appeal options may be best and possible assistance. [\[12\]](#)

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

[1] [38 U.S.C. § 101](#) - Definitions

[38 C.F.R. § 3.3\(a\)\(3\)](#) – Pension

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

[38 U.S.C. § 5303A\(b\)](#) - Minimum active-duty service requirement

[38 C.F.R. § 3.12a](#) - Minimum active-duty service requirement.

[38 C.F.R. § 3.342](#) - Permanent and total disability ratings for pension purposes.

[2] [38 U.S.C. § 1541](#) - Surviving spouses of veterans of a period of war

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

[38 C.F.R. § 3.50](#) - Spouse and surviving spouse

[38 C.F.R. § 3.54](#) - Marriage dates

[38 C.F.R. § 3.55](#) - Reinstatement of benefits eligibility based upon terminated marital relationships.

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

[38 C.F.R. § 3.3](#) - 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;

[5] <https://www.va.gov/pension/veterans-pension-rates/> Veterans Pension Rates

<https://www.va.gov/family-and-caregiver-benefits/survivor-compensation/survivors-pension/rates/> Survivor Pension Rates

[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;

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

[38 CFR § 3.29](#) - Rounding

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

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

[38 C.F.R. § 3.279](#) - Statutory exclusions from income or assets (net worth or corpus of the estate)

[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 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;

[11] [38 CFR § 3.352](#) - Criteria for determining need for aid and attendance and "permanently bedridden";

[38 C.F.R. § 3.351](#) - Special monthly dependency and indemnity compensation, death compensation, pension and spouse's compensation ratings.

[12] [38 CFR § 3.2500](#) - Review of decisions