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EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES  
DEPARTMENT OF VETERANS' SERVICES

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## FDC Criteria for Survivors Pension

### Forms required:

- 21-22 Power of Attorney
- 21-534EZ Claim form used for DIC, surviving spouse pension, and accrued benefits
- 21-2680 Aid and Attendance (if necessary)
- 21-0779 Request for Nursing Home Information (if in a nursing home)
- Marriage certificate
- Death certificate
- DD 214

### Survivors Pension

The Survivors Pension --- also referred to as Death Pension --- is a tax-free monetary benefit payable to a low-income, un-remarried surviving spouse who was married to the Veteran for at least one year and/or unmarried child(ren) of a deceased Veteran with wartime service.

### Eligibility

The deceased Veteran must have met the following service requirements:

- For service on or before September 7, 1980, the Veteran must have served at least 90 days of active military service, with at least one day during a wartime period.
- If he or she entered active duty after September 7, 1980, generally he or she must have served at least 24 months or the full period for which called or ordered to active duty with at least one day during a war time period.
- Was discharged from service under other than dishonorable conditions.

Under current law, VA recognizes the following wartime periods to determine eligibility for VA Pension benefits:

- World War I (April 6, 1917 – November 11, 1918)
- World War II (December 7, 1941 – December 31, 1946)
- Korean conflict (June 27, 1950 – January 31, 1955)
- Vietnam era (February 28, 1961 – May 7, 1975 for Veterans who served in the Republic of Vietnam during that period; otherwise August 5, 1964 – May 7, 1975)
- Gulf War (August 2, 1990 – through a future date to be set by law or Presidential Proclamation)

( 09/27/2014)

Survivors Pension is based on your yearly family income, which must be less than the amount set by Congress to qualify. Here is a link to the survivor pension rate tables:

[http://www.benefits.va.gov/PENSION/current\\_rates\\_survivor\\_pen.asp](http://www.benefits.va.gov/PENSION/current_rates_survivor_pen.asp)

While an un-remarried spouse is eligible at any age, a child of a deceased wartime Veteran must be:

- Under 18, **OR**
- Under age 23 if attending a VA-approved school, **OR**
- Permanently incapable of self-support due to a disability before age 18

### **Countable Income**

Income received by the surviving spouse and dependents, if any, includes earnings, disability and retirement payments, interest and dividends, and net income from farming or business. The VA will not count SSI but it should be reported. Chapter 115 benefits are not countable and should not be reported.

### **Net Worth**

The net value of the assets of the surviving spouse and dependents includes bank accounts, stocks, bonds, mutual funds and any property other than the primary residence and a reasonable lot area. There is no set limit on how much net worth a surviving spouse and dependents can have, but net worth cannot be excessive. All net worth should be reported and VA will determine if a claimant's assets are sufficiently large that the claimant could live off these assets for a reasonable period of time.

Use the Medical Expense Report form (VAF 21-8416) to count all **non reimbursed** medical premiums and expenses to offset the claimant's income. These out of pocket expenses include medical insurance premiums, co-pays for doctors, prescriptions, Depends undergarments, band aids, etc. Dental and eyeglasses are not counted as medical expenses.

### **Aid & Attendance and Housebound**

Surviving spouses who are eligible for a VA pension and require the **aid and attendance** of another person, or are **housebound**, may be eligible for additional monetary payment. These benefits are paid in **addition** to monthly pension, and they are not paid without eligibility to Pension.

Since Aid and Attendance and Housebound allowances increase the pension amount, people who are not eligible for a basic pension due to excessive income may be eligible for pension that uses a higher income limit. A surviving spouse may not receive Aid and Attendance benefits and Housebound benefits at the same time. Use VA Forms 21-2680 and/or 21-0779

**Aid & Attendance (A&A)**

The Aid & Attendance (A&A) increased monthly pension amount may be added to your monthly pension amount if the surviving spouse meets one of the following conditions:

- You require the aid of another person in order to perform personal functions required in everyday living, such as bathing, feeding, dressing, attending to the wants of nature, adjusting prosthetic devices, or protecting yourself from the hazards of your daily environment
- You are bedridden, in that your disability or disabilities requires that you remain in bed apart from any prescribed course of convalescence or treatment
- You are a patient in a nursing home due to mental or physical incapacity
- Your eyesight is limited to a corrected 5/200 visual acuity or less in both eyes; or concentric contraction of the visual field to 5 degrees or less

Use VA form 21-2680 for this benefit.

**Housebound**

This increased monthly pension amount may be added to your monthly pension amount when you are substantially confined to your immediate premises because of permanent disability.

Use VA form 21-0779