



U.S. Department of Veterans Affairs

Introduction to

VA Pension Benefits

Philadelphia Pension Management Center

Briefed by:

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October 2019



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Agenda

- Pension overview
 - Military Service
 - Disability Rating
 - Non-Service Connected
- Survivor's Pension
- Dependency
- Income, Net Worth, & AO73
- Reminders



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Pension Overview

- Needs-based benefit paid to
 - A wartime Veteran because of
 - permanent and total disability, or
 - having attained age 65, or
 - A surviving spouse or surviving child because of a wartime Veteran's death
- Entitlement is based on
 - Veteran's characters of discharge
 - Wartime service requirement
 - Minimum active duty service requirement
 - Income and net worth



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Military Service Requirements

- Type of discharge
- Wartime service
- Minimum service



Type of Discharge

- Honorable - OK
- Under honorable conditions (general) - OK
- Under other than honorable conditions
 - VA determination required
- Dishonorable – not OK (in most circumstances)



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Minimum Service Requirement

- For all wartime periods before the Gulf War Era
 - 90 days of active duty, or
- Any amount of time during a period of war and
 - was discharged for a disability incurred or aggravated in service, or
 - had an SC disability at the time of discharge that would have justified a discharge for disability
- Veterans entering service after September 7, 1980 (Gulf War Era)
 - 24 months of minimum service or
 - Full period for which the Veteran was called to active duty



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Disability Status

3 LEVELS

1. Basic Pension (Permanent and Total (P&T))
2. Housebound
3. Aid and attendance



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P&T Status – By Rating

- **What the medical evidence must show?**
 - Level of disability for all claimed conditions (medical or mental)
 - Diagnosis of current disability
 - Severity
 - Limitations



*Surviving spouses do not need to be considered P&T to have *basic eligibility* to death pension benefits*



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Administrative Grant of P&T

- Permanent and total (P&T) status is conceded without a rating if the Veteran is...
 - Age 65 or older, *or*
 - Deemed disabled by the Social Security Administration, *or*
 - A Patient in a nursing home for long-term care

Surviving spouses do not need to be considered P&T to have basic eligibility to death pension benefits



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Housebound Status

- **Rating needed**
 - Veteran
 - Surviving Spouse
- **What the evidence must show?**
 - Substantially confined to his or her home
 - Unable to leave the home without assistance
 - A *permanent* single disability rated at 100% (Veterans)
 - Other disabilities independently ratable at 60 percent or more and are *permanent*



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Aid and Attendance (A&A)– By Rating

- **What the medical evidence must show?**
 - Veteran or surviving spouse is so helpless as to require the regular aid and attendance of another person due to
 - Physical or mental impairment



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Aid and Attendance (A&A) Administratively

- **A&A rating is not required if the Veteran or surviving spouse is a patient in...**
 - A extended care facility that is licensed by a State to provide skilled or intermediate-level nursing care
or
 - A nursing home care unit in a State Veterans' Home
or
 - A Department of Veterans Affairs Nursing Home Care Unit



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Survivor's Pension

- Needs-based benefit paid to
 - Un-remarried surviving spouse
 - Unmarried children
- Tax free monetary benefit



To be eligible:

- Deceased Veteran must have wartime service
- Meet the income limits
- For children to qualify they must be
 - under 18
 - under age 23 if attending school or
 - permanently incapable of self-support due to disability before age 18



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Dependency and Indemnity Compensation (DIC)

- Benefit payable to surviving spouse, child or parent of
 - Service members who died while on active duty, or
 - Veterans who died from their service connected disabilities
- Tax free money benefit
- To apply survivors can use the same forms used for Survivors *pension*

Note: Not income based except for Parents DIC



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Dependency Requirements – Surviving Spouse

- Married to the Veteran at the time of death
 - at least one year
- A child was born
 - of the marriage, or
 - to them prior to the marriage
- Lived continuously with the Veteran
- Unremarried



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Dependency (continued)

If the Veteran and spouse physically live...	Then, for Improved Pension purposes, the spouse is ...
together in the same residence	a dependent.
apart for reasons not related to marital discord	a dependent, regardless of whether or not the Veteran contributes to the support of the spouse.
apart for reasons related to marital discord, but the Veteran makes reasonable contributions to the support of the spouse	a dependent. Reference: For more information on counting the income of a spouse, see M21-1MR, Part V, Subpart iii, 1.E.38.b.
apart for reasons related to marital discord, and the Veteran does not make reasonable contributions to the support of the spouse	not a dependent, per 38 CFR 3.23(d) .



Dependency Requirements - Surviving Child

- Be under the age of 18
- Be between the ages of 18 and 23 and attending school
- Be permanently incapable of self support due to disability which occurred prior to the age of 18



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Income Requirements

- All gross income is countable
 - Except needs-based benefits (i.e. SSI, Welfare)
- If a claimant's household income exceeds the VA prescribed limit, then
 - VA Pension → not payable
- If a claimant's household income does *not* exceed the VA prescribed limit, then
 - VA Pension → payable
 - VA Pension rate will be the difference between the claimant's income and VA income limit

→ https://www.benefits.va.gov/pension/current_rates_veteran_pen.asp



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Upfront Verification of Income

- Federal tax information (FTI)
- Social Security Administration
- PMC uses this information to verify the income reported on original claims



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Net Worth

Definition

Net worth means the market value, less mortgages or other encumbrances, of all real and personal property owned by the claimant and/or spouse, except the claimant's single-family dwelling and reasonable personal effects



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Net Worth (continued)

- Considered when determining *entitlement* to VA Pension
- The pension program is
 - intended to afford beneficiaries a minimum level of security
 - *not* intended to protect substantial assets or build up the beneficiary's estate for the benefit of heirs.
- Prior to AO73 on 10/18/2018- Formal determination required if net worth was \$80,000.00 or more
- Considered a bar if the claimant's financial resources are sufficient to meet his/her basic needs without assistance from VA



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AO73



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AO73 Rule Changes

Purpose:

- Establish a clear limit for net worth
- Maintain integrity of VA Pension
- Prevent asset transfers
- Better evaluate need for benefits
- Eliminate the need for net worth determinations
- Clarify countable medical expenses



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Background

- GAO found
 - VA law allows claimants to transfer significant assets and still qualify for Pension
 - Over 200 organizations help claimants transfer assets to qualify for Pension
- VA's regulations respond to GAO recommendations and address other matters



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Effective Date of New Procedures

The final rule published on September 18, 2018.

- There is a 30-day grace period.
- All claims received on or after 10-18-2018 must follow new changes required by the rule.
- Claims received before 10-18-2018 will follow the grandfathered net worth determination rules.



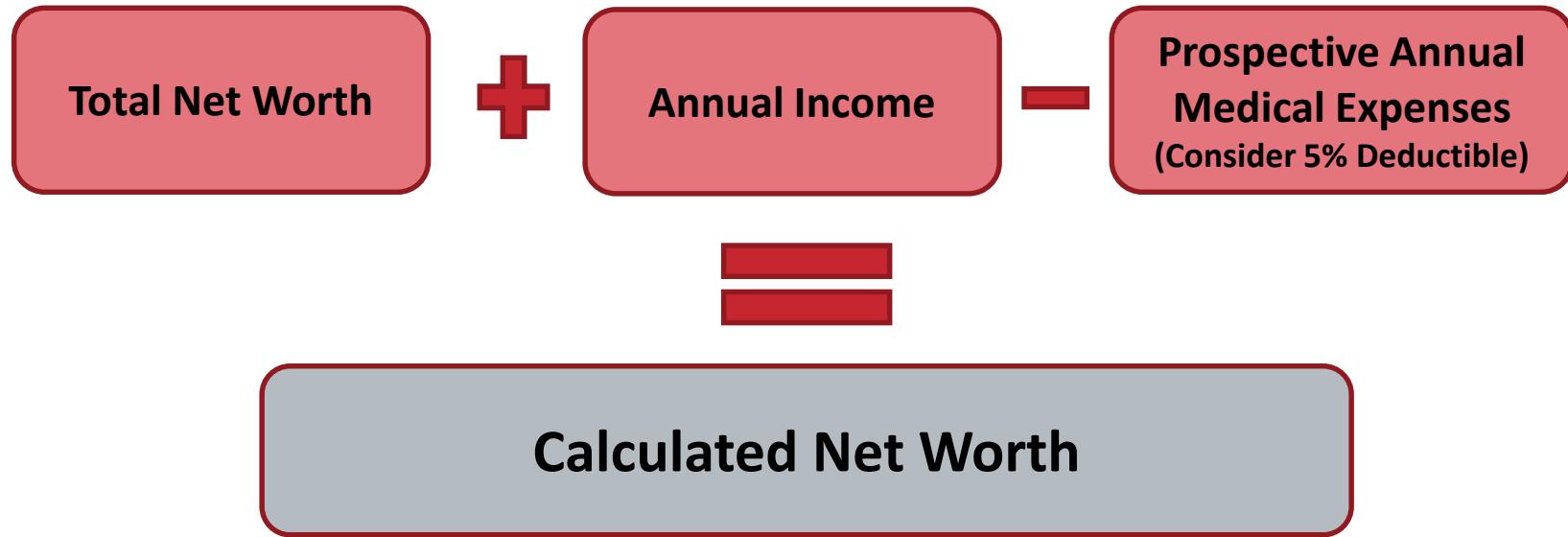
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How to Calculate Net Worth



At or Under the limit: Eligible for Benefits

Over the limit: Not Eligible for Benefits



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What is our Bright Line?

\$123,600 for 2018

\$127,061 effective Dec. 2018

- Community Spouse Resource Allowance (CSRA) for Medicaid purposes
- Indexed for inflation
- Will change annually by SSA COLA increases
- Must exceed amount to be over the limit



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Ways to Decrease Net Worth

3 allowable ways to decrease net worth:

- Expenditures for items or services for which fair market value is received
- a decrease in annual income, and
- qualifying payments, such as unreimbursed medical expenses.

Note: The expenses must be those of the Veteran, surviving spouse, or child, or a relative of the Veteran, surviving spouse, or child. The relative must be a member or constructive member of the Veteran's, surviving spouse's, or child's household.



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Transfer for Less Than Fair Market Value

- Example: Veteran has \$110,000. Before applying for pension, he transfers \$100,000 into an irrevocable trust for his children, and keeps \$10,000.
- Because the \$100,000 asset transfer would not have made his net worth excessive, we do not penalize the Veteran.



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Look Back and Penalty Period

- The rule established a 36-month (3 year) look-back period and a penalty period not to exceed 5 years for those who transfer assets in an attempt to qualify for pension.

IMPORTANT: If the transfer involved a trust, annuity, or other similar arrangement please provide a copy of the trust or transfer documents.

29. HAVE YOU OR YOUR DEPENDENTS TRANSFERRED, GIVEN AWAY, OR SOLD ANY PROPERTY IN THE LAST 36 MONTHS (3 years), INCLUDING THE PURCHASE OF AN ANNUITY, TRUST, OR OTHER FINANCIAL PRODUCTS THAT WILL PROVIDE FUTURE INCOME, OR PROPERTY PLACED IN A TRUST, IN THE LAST 3 YEARS? (Report only those transfers over \$1,500, including multiple/separate transfers to an individual or company so that the total equals \$1,500 or more)

EXAMPLES OF TRANSFER ITEMS: Cash, house, mobile home, car tractor, livestock, motorized vehicles, land, time-shares, real property, gifts, etc.

YES NO (If "Yes," complete Items 30A through 30G)

30A. ITEM THAT YOU OR YOUR SPOUSE TRANSFERRED, SOLD OR GAVE AWAY	30B. DID THIS TRANSFER INVOLVE THE CREATION OF A TRUST OR PURCHASE OF AN ANNUITY?	30C. WHAT WAS THE MARKET VALUE AT THE TIME OF TRANSFER?	30D. TRANSFERRED TO WHOM? (If the transfer involved a trust, include tax id number for the trust)	30E. THEIR RELATIONSHIP TO YOU (If the transfer involved an annuity, include the type of annuity purchased)	30F. DATE OF TRANSFER (mm/dd/yyyy)	30G. AMOUNT YOU RECEIVED IN EXCHANGE FOR THIS TRANSFER (If you will receive recurring payments as a result of transfer, include that information in Section IX)
	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$ <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>



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Penalty Period

- Calculated by dividing the “Covered Asset Amount” by the maximum monthly benefit at the aid and attendance rate for a Veteran with one dependent for that year. (\$2,169 for 2018, \$2,230 for 2019)
- *The monthly rate is the same for all pension claimants*
- The maximum amount of months is 60, or 5 years.
- Begins the first of the month following the last transfer of assets
- End the last day of the last month of the penalty period.



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Example: Penalty Period Calculation

- VA receives a pension claim in January 2019.
- The claimant's net worth is equal to the net worth limit. However, the claimant transferred covered assets totaling \$10,000 on October 20, 2018, and November 23, 2018.
- Therefore, the total covered asset amount is \$10,000, and the penalty period begins on December 1, 2018.
- The monthly penalty rate is \$2,169. The penalty period is $\$10,000/\$2,169$ per month = 4 months (drop the decimals). The fourth month of the penalty period is March 2019.
- The claimant may be entitled to pension effective March 31, 2019, with a payment date of April 1, 2019 , if other entitlement requirements are met.



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Residential Lot Size Limit

- The new regulation excludes from net worth the primary residence plus the residential lot area.
- Residential lot area is the lot on which a residence sits that does not exceed 2 acres (87,120 square feet)
- If the lot exceeds 2 acres, VA must develop for the value of the additional land

SECTION IX: QUESTIONS REGARDING INCOME AND ASSETS *(If more space is needed, attach a separate sheet)*

32. DO YOU OR YOUR DEPENDENTS OWN YOUR OR YOUR FAMILY'S PRIMARY RESIDENCE?

YES NO *(If "Yes," complete Items 33A and 33B) (If "No," skip to Item 34A)*

33A. WHAT IS THE SIZE OF THE LOT ON WHICH
THE PRIMARY RESIDENCE SITS?

Square feet

33B. COULD ANY PART OF THE LOT BE SOLD *WITHOUT SELLING THE RESIDENCE?*

YES NO



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Consideration of a Child's Net Worth

- The net worth of the child of a Veteran or surviving spouse can also be a factor for current-law Pension purposes.
- Evaluate the child's net worth independently: *do not add their net worth to the family NW*
- If the child's net worth is excessive, remove the child from the award



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Expenses Considered

Deductible Medical Expenses

- Define and Clarify Medical Expenses for VA Purposes
- New regulation defines:
 - Activities of daily living (ADLs)
 - Instrumental activities of daily living (IADLs)
 - Custodial care
- Clarifies: The medical expense deduction should be contingent on the sort of care the disabled individual is receiving in the facility and the necessity for the individual to be there, not the name of the facility



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Deductible Medical Expenses- Definitions

Activities of daily living (ADLs): Defined as “mean basic self-care activities and consist of bathing or showering, dressing, eating, toileting, transferring, and ambulating within the home or living area. Transferring means an individual’s moving himself or herself from one position to another, such as getting in and out of bed.”

Instrumental activities of daily living (IADLs): Defined as “mean independent living activities, such as shopping, food preparation, housekeeping, laundering, managing finances, handling medications, using the telephone, and transportation for non-medical purposes..”

Custodial care: Defined as regular assistance with two or more ADLs, or supervision because an individual with a physical, mental, developmental, or cognitive disorder requires care or assistance on a regular basis to protect the individual from hazards or dangers incident to his or her daily environment.



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Unreimbursed Medical Expenses

- Unreimbursed medical expenses reduce countable income
- 5% deductible
- Use VA Form 21P-8416 to claim unreimbursed medical expenses
 - VA Form 0779 needed for ALF/NH expenses
- All expenses related to medical care are allowed. For example:
 - Prescriptions and over the counter medications
 - Doctor/dental/hospital visits and tests
 - Medical insurance
 - At-Home care, nursing home care and assisted living care
 - For a list of common expenses allowed, please refer to M21-1 V.iii.1.G.2-3

 Department of Veterans Affairs		Request for Service Medical Expenses Report	
MEDICAL EXPENSE REPORT			
1. NAME OF PERSON (Name, first, middle, last)		2. VA FILE NUMBER	
3A. NAME AND ADDRESS OF CLINIC/VA		3B. CHANGE OF ADDRESS (Check box if you have moved since the last time you submitted a VA Form 10-1068. If you have moved, attach a copy of the VA Form 10-1068 to this report)	
3C. VETERAN'S SOCIAL SECURITY NO.		3D. EMAIL ADDRESS (If applicable)	
<p>NOTE: Finally rendered expenses actually paid by you may be deductible from your income. Report the actual amount of unreimbursed medical expenses you paid for yourself or for others who are members of your household. Do not report any expenses you did not pay or expenses for which you were or will be reimbursed. Any expenses necessarily related to medical or dental treatment may be allowed as medical expenses. Examples of allowable medical expenses include: medical services, medical equipment, medical supplies, medical transportation, medical services of a physician, medical services of a dentist, medical services of a hearing aids, hearing-aid fees, home health services, and transportation for medical purposes (20% travel per mile, plus parking and tolls or fares for travel, fares, etc.). If you are not sure whether a particular expense can be allowed, furnish a complete description of the purpose of the payment. You will let you know if your expense is deductible. If you are not sure whether a particular expense is deductible, attach a separate sheet or paper with a copy of the expense to this form. The same form with your VA file number or any attachments.</p> <p>You may be asked to verify the amounts you actually paid, as well as receipts or other documentation of payments for at least 2 years after we make a decision on your medical expense claim. If you are unable to provide documentation of payments for at least 2 years after we make a decision on your medical expense claim, if you are unable to provide documentation of the claimed medical expenses when asked to do so by VA, your benefits will be retroactively reduced or terminated.</p> <p>Report medical expenses for the period _____ thru _____.</p> <p>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.</p>			
ESTIMATION OF MEDICAL EXPENSES			
A. PURPOSE (Visitors or Medical Charge Prescription, Doctor's Report, Medical Insurance, etc.)		B. AMOUNT PAID BY YOU	C. DATE PAID (Month/Year)
MEDICAL (PART B) PRIVATE MEDICAL INSURANCE		D. NAME OF PROVIDER (Name of doctor, hospital, lab etc.)	
E. FOR WHOM PAID (Spouse, parent, child)			
<p>IMPORTANT: Be sure to sign this form in Item 7A on the reverse side. Unsigned reports will be returned.</p>			
VA FORM 10-1068 (REV. 11-94) (21-04-93, NOV 2000, 95-028)		SUPERSEDES VA FORM 10-1068 (21-04-93, NOV 2000, 95-028)	
21-0416		5010-0654	



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Home Care Expenses

- In-home attendant fees are allowed as long as the attendant provides medical services, nursing services, or custodial care
- The attendant does not have to be a licensed health professional when the disabled person
 - Is rated A&A or housebound, or
 - Is **not** eligible to be rated for A&A or housebound *and* a licensed physician states that the person requires custodial care
- If the disabled person
 - Is **not** rated A&A or housebound, or
 - Is **not** eligible to be rated for A&A or housebound *and* there is no evidence of record that a licensed physician has stated that the person requires an in-home care attendant, then..
 - Expenses paid to an in-home attendant are allowed **only** if the attendant is a licensed health professional



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Claiming Home Care Fees

- VA Form 21P-8416 Medical Expense Report
- Additional documentation is required
 - First time fees are claimed per provider or
 - Change in providers
- Type of documentation acceptable:
 - Receipted bill
 - Statement on the provider's letterhead
 - Computer summary
 - A ledger or bank statement



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USING THE TELEPHONE	TRANSPORTATION FOR NON-MEDICAL PURPOSES
<p>STEP 7. In-Home Attendant Certification: Please submit a current breakdown of the time the attendant spends assisting the veteran or disabled person with health care services, ADLs and IADLs.</p> <p>I CERTIFY that the information stated within this WORKSHEET FOR IN-HOME ATTENDANT EXPENSES is accurate and reflects the current environment pertaining to _____ (Name of Person Requiring Care)</p> <p>and his or her care from _____ (Name of Attendant)</p> <p>_____ (Name, Signature and Title of Certifying Official)</p> <p>_____ (Date Certified)</p>	

VA FORM 21P-534EZ, OCT 2016

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SECTION IX: INFORMATION ABOUT YOUR MEDICAL OR OTHER EXPENSES

Family medical expenses and certain other expenses you actually paid may be deductible from your income. Show the amount of unreimbursed medical expenses, including the Medicare deduction, you paid over the last year (or expect to pay and continue indefinitely) for yourself or relatives who are members of your household. Also, show unreimbursed last illness and burial expenses and educational or vocational rehabilitation expenses you paid. Last illness and burial expenses are unreimbursed amounts you paid for the last illness and burial of a spouse or child. Educational or vocational rehabilitation expenses are amounts you paid for courses of education including tuition, fees, and materials. Do not include any expenses for which you were/will be reimbursed. Please make sure to complete all 6 criteria below (if applicable). If you need more space, complete and attach a separate VA Form 21P-8416, Medical Expense Report.

IMPORTANT: If you are claiming expenses for in-home care or assisted living, adult day care, or similar facility, you must complete the applicable worksheet on pages 12 and 13.

44. ARE YOU CLAIMING UNREIMBURSED MEDICAL EXPENSES?

YES NO (If "No," skip to Section X)

45A. WHOSE MEDICAL, LEGAL, OR OTHER EXPENSES WERE PAID?	45B. PAID TO (Name of provider, insurance company, nursing home, etc.)	45C. PURPOSE (Medicare premiums, nursing home, etc.)	45D. DATE PAID (MM,DD,YYYY)	45E. HOURLY RATE/HOURS (In-home Provider only)	45F. AMOUNT YOU PAY



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Assisted Living Expenses

- Deductible as a medical expense
 - Must be entitled to receiving housebound or aid and attendance benefits , or
 - A licensed physician has certified the person has a medical condition that makes such a level of care necessary
- If a Veteran's spouse is in an assisted living, the expense can be considered as long as a licensed physician has certified the person has a medical condition that makes such a level of care necessary



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Independent Living Expenses (ILF)

- Room and Board expenses from an ILF are acceptable if:
 - The individual's physician states in writing that the claimant must reside in *that* facility and separately contract for custodial care with a third-party provider
Or...
 - The facility provides the individual with custodial care in the form of assistance with two or more activities of daily living



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Forms Update

- Forms were updated to get additional net worth information
 - VA Form 21P-527
 - VA Form 21P-527EZ
 - VA Form 21P-534
 - VA Form 21P-534EZ
 - VA Form 21P-8416
 - VA Form 21P-0969

Reminder: Outdated forms are accepted for one year. Outdated forms will not have required info



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Pension Adjustments

- Pension rates are considered provisional
- Pension rates can be retroactively adjusted
 - Income or medical expenses change
- Form to report a change in medical expenses
 - VA Form 21P-8416 (Medical Expense Report)
- Forms to report a change in income
 - VA Form 21-0516 (Vet with no children)
 - VA Form 21-0517 (Vet with children)
 - VA Form 21-0518 (Surviving spouse with no children)
 - VA Form 21-0519s (Surviving spouse with children)



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Address to SMS Portal

- Scanning Contractor for Claims and Responses to Development

Department of Veterans Affairs
Pension Intake Center
ATTN: Philadelphia Pension Center
PO Box 5206
Janesville, WI 53547-5206

FAX- 844-655-1604

- Evidence is scanned into VBMS



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Special Access for VSO's Philadelphia PMC Advocacy Team (Not for claimants)



Special Inquiry Phone Queue:
215-381-3762



Fax Number(VVA):
1-844-655-1604



Congressional E-Mail Address
VBAPHI.PMCCONGRESSIONAL@VA.GOV



VSO E-mail Addresses:
PensionCtrVSO.VBAPHI@va.gov



Fiduciary Hub
(888) 407-0144 Option 2



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Reminder

- VA has discontinued the use of ***VA Form 21-526, Veteran's Application for Compensation and/or Pension***
- Acceptable forms
 - If the claimant is filing an original claim for Veterans Pension
 - VA Form 21p-527
 - VA Form 21P-527EZ
 - VA Form 21-526EZ
 - A reopened or new claim for Veterans Pension
 - VA Form 21P-527
 - VA Form 21P-527EZ, or
 - Eligibility verification report (EVR)
- **Vets.gov** re-released
 - VA forms 21P-527EZ
 - VA Form 21P-530
 - Electronic or digital signature acceptable

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Reminder (Continued)

Outdated versions of VA forms (Change date 4/24/2018)

- VA can generally accept **only** the current version of a form
 - Claim is considered *incomplete* if submitted on an outdated form
 - Claim needs to be resubmitted on the proper current version
- Outdated versions are accepted in limited circumstances
 - Generated through a VA electronic claims submission system, i.e. eBenefits
 - As an interim procedure and submitted by an authorized VSO
 - Forms not submitted by a VSO representative for 12 months after a revision of a form to allow for depletion of existing stock of forms and/or systems updates



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Questions?



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