

*BlueStarCaregivers: This is a blogpost from attorney Robert Blumberg of the VA Legal Team in Pennsylvania. VA Legal Team is an estate planning and elder care law firm. We think it's the best on-line advice we've found for the details of applying for the VA A&A Benefit, and we thank Mr. Blumberg for his expertise and his willingness to share it. For more info, contact [VALegalTeam.com](http://VALegalTeam.com).*

## **Aid & Attendance Application: The Ultimate Guide**

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I've written [many helpful articles](#) on [VA Aid and Attendance pension benefits](#). The information provided in previous blog articles can certainly assist a person interested in learning about Department of Veterans Affairs pension benefits. However, these articles are not all on one page and some are years old. Therefore, I've decided to create the ultimate guide to the Aid and Attendance application.

This guide will be extremely thorough. If you follow my suggestions for completing the Aid and Attendance application, the applicant will be in a good position to receive an award letter, assuming eligibility. The following guide is not legal advice. While the below tips will help you [understand the eligibility standards](#) the VA uses and complete the Aid and Attendance application, if the applicant is ineligible, they will receive a denial letter from the VA.

The Aid and Attendance application form you will use depends on if the applicant is a veteran or the surviving spouse of a veteran. Therefore, this guide is broken into two main parts.

If you want to skip to the part of the guide dealing with the application for a surviving spouse, please scroll down to Part II.

### **PART I**

#### **VA Form 21P-527 EZ: The Veteran's Aid and Attendance Application**

Use [VA Form 21P-527 EZ](#) if the applicant is a married or unmarried veteran. Lately, we've seen the VA reject older versions of VA Form 21P-527 EZ. This means it is imperative that you use the most recent version of the Application for Pension.

#### **Section I: Veteran's Personal Information**

With one exception, this section should be completed using the veteran's information. This means you must use the veteran's name, date of birth, etc...regardless of who is actually completing the form. You may not want to report the veteran's address, however. The VA will mail correspondence to whichever address you report. Therefore, if you do not want the veteran to receive mail from the VA, use a different address. For question 9A, list the veteran's disabilities (e.g. Alzheimer's, COPD, cancer, etc...). For 9B, write, "ongoing". If the veteran is not currently using a VA Medical Center, write "none" for 10A.

## **Section II: Veteran's Service Information**

You must show that the veteran served during a period of war. The answers for 11A through 12E should be found on the DD 214 or the Report of Separation. 13A is almost certainly NO, which means 13B can be left "blank". 14A and 14B should be answered with a "None" or an "N/A".

Beyond serving at least one day during a period of war and receiving an honorable discharge, the key part to the service requirement is presenting service history using acceptable documentation. The VA wants to see original discharge papers or a certified copy. If the claimant submits a copy of his or her service information, there is a real chance the VA will send a letter asking for an original or certified copy.

## **Section III: Veteran's Work History**

Writing the word "Retired" is sufficient to complete this section. The one caveat would be if the veteran is still working and the spouse requires custodial care (i.e. healthy vet, sick spouse).

## **Section IV: Marital Status**

18A must be answered regardless of the veteran's marital status. If the veteran is married, widowed, or divorced, 18B through 19F must be completed. All marriages must be reported. The VA will send you a request for more information letter if part of the marital history is omitted.

## **Section V: Current Marital Information**

This section does not need to be completed unless the veteran is currently married. If the veteran is married, then the spouse's marital history must be completed. Please remember not to omit any information. Question 22E causes some confusion. Check YES even if one spouse is living at home and the other spouse is living in an assisted living community. If Yes is checked, do not answer 22F through 22H.

## **Section VI: Dependent Children**

The VA's definition of a child is technical. Ninety five percent of claimant's do not need to complete this section. If a child became permanently incapable of self support before the age of 18, complete this section.

## **Section VII: Income Verification – Net Worth**

The proceeding sections of VA Form 21P-527 EZ ask for information about the veteran that is necessary for the VA to decide the Aid and Attendance application claim. With the exception of service information, however, prior sections rarely result in a denial letter. Questions 25 through 28 of VA Form 21P-527 EZ will determine if the veteran is granted benefits.

This page of the Aid and Attendance application is crucial.

The net worth section of the Aid and Attendance application requires information about the veteran's assets. If the veteran is married, the spouse's net worth information is also required. The VA doesn't recognize pre-nuptial agreements or informal agreements entered into before a second marriage.

Some assets don't need to be reported in the net worth section. Most importantly, a primary residence is an exempt asset and can be omitted from this section. You don't need to report the family car. Household items can be omitted.

This section contains eight dollar (\$) symbols. You must write something next to every \$ symbol. This is true even if the veteran only owns a bank account. Leaving one of these blank is a fast way to receive a denial letter from the VA.

Of course, the most common question I receive is, "how much money can my father have and still be eligible for benefits?" While this is a great question, [there isn't a simple answer](#). The VA, for now, doesn't use a bright line number to determine what is excessive. The VA's asset determination is a question of fact. The VA will review life expectancy, number of dependents, and the shortfall, if any, between income and medical expenses. [Families that are over-resourced](#) can still qualify for the Aid and Attendance pension by taking advantage of [proven planning strategies](#). For now, the VA doesn't have a "look-back" period.

## **Section VIII: Income Verification**

The VA wants to know the claimants gross monthly income. This section is for "fixed" income, such as social security, pensions, and fixed annuities. Sources of income such as interest, dividends, and required minimum distributions are not reported in this section. Once more, crucially, you must write something next to every (10) \$ symbol in this section. The VA uses the income reported in this section, in conjunction with expected income and unreimbursed medical expenses, to determine the monthly benefit amount. In most cases, if income is less than unreimbursed medical expenses, the maximum benefit will be granted.

## **Section IX: Expected Income**

The claimant should report non-fixed income in this section. If the veteran owns an IRA and receives a required minimum distribution, report the RMD in this section. Interest income from investments is reported in this section. Do not “double count” the income from the prior section in the Expected Income section.

## **Section X: Medical, Legal, Or Other Unreimbursed Expenses**

The vast majority of the time, only unreimbursed medical expenses should be reported in this section.

Most importantly, you must report the cost of care in this section. The care could be home care, assisted living, skilled nursing, adult day care, or independent living (sometimes). Please keep in mind that paying to live in an independent living community, and even an assisted living community, is no guarantee that the VA will consider that cost as a medical expense (more on this later). The VA will count the cost of care if it is considered custodial care.

The VA will not count expenses like prescription drugs and doctor’s visits when reviewing an original application. They will count health insurance premiums.

## **Section XI: Direct Deposit Information**

You must complete this section. Alternatively, a claimant can submit a “voided” check or deposit slip.

## **Section XII: Certification and Signature**

Do NOT check the box in question 32. The veteran must sign and date in questions 33A and 33B. The power of attorney cannot sign. If the veteran can’t make his or her own signature, you must complete the next section.

## **SECTION XIII: Witnesses to Signature**

Only complete if the veteran is unable to sign in Section XII.

## **Supporting Documents for the Aid and Attendance Application – VA Form 21P-527 EZ**

Many claimants receive denial letters based on their answers to Sections VII-X. Similarly, many people receive denial letters based on the content of their supporting documents for the Aid and Attendance application.

## **VA Form 21-2680**

This is the doctor's examination. It is a two page form that must be completed (unless the claimant is a resident in a skilled nursing facility). This form is absolutely crucial. The doctor must show the VA that the claimant is medically eligible for VA benefits. [VA Form 21-2680](#) should show that the claimant requires assistance with activities like bathing, dressing, personal hygiene, meal preparation, medication management, mobility, and personal care. This form does not need to show that the veteran requires assistance with all of those activities or that this assistance is needed everyday. This form should, ideally, state that the claimant cannot live alone and requires a protected environment.

I recommend having VA Form 21-2680 completed and signed by an MD or DO and submitted within 6 months of the date of examination.

## **Care Provider Statement**

This is not a VA Form (unless the claimant is a resident in a skilled nursing facility). It may be called a Care Provider Statement, an Attendant Affidavit, and it may be called something else. The important point, however, is that you need some form that documents the care the veteran receives and how much that care costs.

Documenting unreimbursed medical expenses is a tricky business that results in many denial letters from the VA. Over the last couple years, I've developed, based on VA guidance, multiple forms that show medical expenses and are submitted along with the Aid and Attendance application. For example, I use one statement to show expenses for an assisted living resident and another form to show expenses for an independent living facility resident.

Additionally, I've started submitting a Physicians Statement as a supplement to the Care Provider Statement. The Physicians Statements addresses the VA's language on the Protected Environment standard.

Unfortunately, because the Care Provider Statement is not a standard VA Form, and different variations exist, I cannot provide specific guidance. However, the applicant should submit some evidence that shows he or she is receiving custodial care. Please [read this article carefully](#) to understand what the VA considers custodial care.

## **VA Form 21-0845**

[This form](#) isn't required, but I recommend that you submit it along with the rest of the Aid and Attendance application. It gives someone other than the veteran permission to speak with the VA about the status of the claim.

## **Discharge Papers**

Discharge Papers must always be submitted. I mentioned earlier that the VA wants to see originals or a certified copy. You can order a certified copy form [archives.gov](https://www.archives.gov). Alternatively, you can try to bring the original to the county courthouse and have someone at the records and deeds department certify it. Please call your local county courthouse before attempting. Lastly, your county veteran service office may be able to certify the original discharge papers. In the past, the VA would return originals. These days, however, the VA seems to be keeping the originals and not returning them.

## **Marriage License**

A copy of a marriage license is only necessary if the veteran is married.

## **PART 2**

### **VA Form 21P-534 EZ: The Surviving Spouse's Aid and Attendance Application**

There is overlap between the veteran's aid and attendance application and the surviving spouse aid and attendance application. For example, the surviving spouse also must submit discharge papers, VA Form 21-2680, and a Care Provider Statement. There are, however, differences.

#### **Section I: Personal Information**

Both the veteran's and the surviving spouse's information are necessary to properly complete this section. Questions 14A through 15B are the only questions where you do not need to use the veteran's or spouse's information. Use the mailing address where you want the VA to send mail. Check the middle box (Death Pension) for Question 16 if you want to apply for Aid and Attendance pension benefits.

#### **Section II: Veteran's Service Information**

You must show that the veteran served during a period of war. The answers for 17A through 18E should be found on the DD 214 or the Report of Separation. 18D is almost certainly NO, as is 19A, which means 19B-19D can be left unanswered.

Beyond serving at least one day during a period of war and receiving an honorable discharge, the key part to the service requirement is presenting service history in an acceptable manner. The VA wants to see original discharge papers or a certified copy. If the claimant submits a copy of his or her service information, there is a real chance the VA will send a letter asking for an original or certified copy.

### **Section III: Marital Information**

The VA loves denying aid and attendance claims because of incomplete marital information. So if you report that the veteran or spouse was married twice, make sure you list the complete information for each marriage. If the answer to question 22A is YES, then hopefully the next husband was also a wartime veteran. If the surviving spouse did remarry, and the next husband was not a veteran, then the marriage must have begun on or after January 1, 1971 and ended before November 1, 1990. Question 25 should always be answered YES. If you answer NO, it will be very difficult to receive benefits.

### **Section IV: Dependent Children**

The VA's definition of a child is technical. Ninety five percent of people do not need to complete this section. If a child became permanently incapable of self support before the age of 18, complete this section.

### **SECTION V: Veteran's Parent**

You do not need to complete this section. I have yet to see a situation where this section needed to be completed.

### **SECTION VI: DIC**

Unless you are applying for Death Indemnity Compensation, do not complete this section of the Aid and Attendance application.

### **SECTIONS VII to XII**

Please see my above write-up for veteran's aid and attendance application, VA Form 21P-527 EZ, which can be found by scrolling up to Part I of the Aid and Attendance application guide.

### **Supporting Documents**

In addition to the supporting documents necessary for a veteran's application, the surviving spouse also must submit a copy of the **marriage license/certificate** and a copy of the **death certificate**.

### **Aid and Attendance Application: Conclusion**

As you can see, the aid and attendance application is a complicated affair. There are many variables that can complicate an application and cause delays and even a denial letter from the VA. Additionally, you may have heard you or your family member don't qualify for Aid and Attendance benefits because of excessive net worth or income. This could be

true. Alternatively, there may be planning solutions that can help you qualify for the generous pension the VA pays to qualified applicants.

[Please contact VA Legal Team](#) to discuss possible legal and financial planning solutions or other questions related to the Aid and Attendance application.