



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

P.O. Box 712
Trenton, NJ 08625-0712

CHRIS CHRISTIE
Governor

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

VALERIE HARR
Director

MEDICAID COMMUNICATION NO. 15-08

DATE: April 29, 2015

TO: County Welfare Agency Directors
Statewide Eligibility Agencies
Institutional Services Section (ISS) Area Supervisors

SUBJECT: Veterans Affairs Payments

The purpose of this communication is to advise Medicaid eligibility determining agencies that applicants who receive income through the U.S. Department of Veterans Affairs (VA) must provide detailed verification of such income. Detailed verification of this information can be obtained by requesting a letter from the VA. The VA's letter should detail the benefit(s) the applicant is eligible to receive, including the specific dollar amount attributable to each benefit category, such as, but not limited to, "Aid and Attendance," "Improved Pension," "Widow Pension," "Dependent Pension," "Housebound Care," or "Educational" benefits.

Certain VA benefits like the "Improved Pension" (VAIP) are awarded as a result of Unreimbursed Medical Expenses (UMEs). VAIP benefits that are received due to UMEs that reduce the applicant's income to \$0 are not included as countable income during the Medicaid eligibility determination process. Applicants may demonstrate that the VAIP is received as a result of UMEs by providing the eligibility determining agency with:

1. A letter issued by the VA stating that the entire VAIP is classified as aid and attendance; or,
2. A letter, or other documentation, from the VA reflecting the amounts of countable income and UMEs used to determine VAIP eligibility and showing that the VA has determined that the UMEs reduce the applicant's income to \$0.

Examples of these documents are attached.

In situations where UMEs reduce the applicant's countable income to an amount that is greater than \$0, the application will be reviewed for income eligibility on a case-by-case basis by the eligibility determining agency.

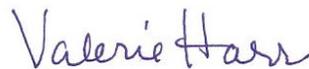
If the VA Award letter only contains a total benefit amount, and does not detail the type of benefit and/or provide UME information, the applicant must provide the detailed benefit breakdowns, including UME information, in order to determine if the VA benefit affects eligibility. This detail is crucial for determining if the pension is countable income or if it is excluded in whole, or in part, when calculating program eligibility.

When an applicant who is receiving a VA pension based on UMEs is found eligible for Medicaid benefits, he or she must notify the VA of Medicaid eligibility so the VA can adjust its calculation of UMEs. The applicant must provide a copy of their notification letter sent to the VA to the Medicaid eligibility determining agency. The applicant must also provide a copy of any notices from the VA regarding changes in the VA benefit. Until such time as the applicant provides a VA notice showing that the VA benefit has been reduced or eliminated because the applicant no longer has UMEs, the VAIP will be included in the calculation of post-eligibility income to determine the applicant's contribution to his or her care.

For information regarding Veterans Affairs Payments and Benefits please contact the New Jersey Regional Office of the U.S. Department of Veterans Affairs at 1-800-827-1000.

If you have any questions regarding this Medicaid Communication, please refer them to the Division's Office of County Operations field staff for your agency at 609-588-2556.

Sincerely,

A handwritten signature in blue ink that reads "Valerie Harr". The signature is written in a cursive style.

Valerie Harr
Director

VH:m

c: Elizabeth Connolly, Acting Commissioner
Department of Human Services

Dawn Apgar, Deputy Commissioner
Department of Human Services

Lowell Arye, Deputy Commissioner
Department of Human Services

Lynn Kovich, Assistant Commissioner
Division of Mental Health and Addiction Services

Liz Shea, Assistant Commissioner
Division of Developmental Disabilities

Joseph Amoroso, Director
Division of Disability Services

Natasha Johnson, Acting Director
Division of Family Development

Allison Blake, Commissioner
Department of Children and Families

Mary E. O'Dowd, Commissioner
Department of Health

[Redacted]

40027002



DEPARTMENT OF VETERANS AFFAIRS
VARO PHILADELPHIA
5000 WISSAHICKON AVE
PO BOX 8079
PHILADELPHIA PA 19101

[Redacted]

In Reply Refer To: [Redacted]

Dear [Redacted]

This letter from the Department of Veterans Affairs certifies that [Redacted] is receiving Aid & Attendance benefits due to her need for assistance with activities of daily living.

The current benefit paid is as follows:

Gross Aid & Attendance	\$1,094.00/mo.
Net Amount Paid	\$1,094.00/mo.
Effective Date	December 1, 2011

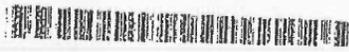
If you reside in the continental United States, Alaska, Hawaii, or Puerto Rico, you may contact VA with questions by calling our toll-free number 1-877-294-6380 (for hearing impaired TDD 711) or contact us online (<https://iris.va.gov>).

Sincerely yours,

Eileen Kostic

Eileen Kostic
Veterans Service Center Manager

To email us visit <https://iris.va.gov>





DEPARTMENT OF VETERANS AFFAIRS
VARO PHILADELPHIA
5000 WISSAHICKON AVE
PO BOX 8079
PHILADELPHIA PA 19101

FEB 14 2013

February 14, 2013

In Reply Refer To:

[Redacted]

[Redacted]

Dear [Redacted]

This letter from the Department of Veterans Affairs certifies that [Redacted] is receiving death pension with aid and attendance. Because her death pension award would not be payable but for entitlement to the A&A allowance, because her income is in excess of the limit, the entire amount of the payment, \$1,113.00 / month is considered for Aid and Attendance.

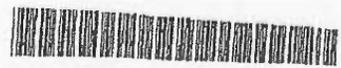
The current benefit paid is as follows:

Gross Benefit Amount	\$1,113.00/mo.
Net Amount Paid	\$1,113.00/mo.
Effective Date	December 1, 2012

If you reside in the continental United States, Alaska, Hawaii, or Puerto Rico, you may contact VA with questions by calling our toll-free number 1-800-827-1000 (for hearing impaired TDD 1-800-829-4833) or contact us online (<https://iris.va.gov>).

Sincerely yours,
Eileen Kostic
Eileen Kostic
Veterans Service Center Manager

To email us visit <https://iris.va.gov>





DEPARTMENT OF VETERANS AFFAIRS
VAROIC PHILADELPHIA
5000 WISSAHICKON AVE
PO BOX 8079
PHILADELPHIA PA 19101

MAY 05 2012

[Redacted]

In Reply Refer To: [Redacted]

Dear [Redacted]:
[Redacted]

We made a decision on your claim for dependency and indemnity compensation (DIC), death pension and accrued received on June 24, 2011.

This letter tells you about your entitlement amount and payment start date and what we decided. It includes a copy of our rating decision that gives the evidence used and reasons for our decision. We have also included information about additional benefits, what to do if you disagree with our decision, and who to contact if you have questions or need assistance.

Your Award Amount and Payment Start Date

Your monthly entitlement amount is shown below:

Monthly Entitlement Amount	Payment Start Date	Reason For Change
\$1,056.00	Jul 1, 2011	Granted Pension
1,094.00	Dec 1, 2011	Cost of Living Adjustment

We're paying you as a surviving spouse with no dependents. *Let us know right away if there is any change in your marital status.*

You Can Expect Payment

Your payment begins the first day of the month following your effective date. You will receive a payment covering the initial amount due under this award, minus any withholdings, in approximately 15 days. Payment will then be made at the beginning of each month for the prior month. For example, benefits due for May are paid on or about June 1.



[REDACTED]

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[REDACTED]

What We Decided

We granted death pension benefits effective June 24, 2011.

We have approved an additional allowance for aid and attendance effective June 24, 2011.

We couldn't approve your claim for accrued benefits.

We have denied your claim for service connected death benefits, called dependency and indemnity compensation (DIC).

How Did We Make Our Decision?

We have enclosed a copy of your Rating Decision for your review. It provides a detailed explanation of our decision, the evidence considered, and the reasons for our decision on your claim for aid and attendance benefits. Your Rating Decision and this letter constitute our decision based on your claim received on June 24, 2011. It represents all claims we understood to be specifically made, implied or inferred in that claim.

We granted death pension benefits because the veteran served during a period of war, and you meet the income and net worth requirements set by law.

Please be advised that we could not approve your entitlement to DIC since there is no evidence of record to indicate that the veteran's cause of death was due to his service under 38 CFR 3.312.

DIC may be paid to *eligible dependents*:

- when the veteran died while in service, *or*
- when the veteran died of a service-connected condition.

DIC may also be paid when the veteran was totally disabled because of service-connected condition(s) but died from other causes if:

- the veteran was totally disabled by reason of service connected disability(ies) for a period of 10 years or more immediately preceding death, *or*
- the veteran was totally disabled by reason of service connected disability(ies) from date of discharge from military service for at least a 5 year period immediately preceding death.



3



An accrued benefit is any money we owe a veteran at the time of death. We can't approve your claim for accrued benefits because VA didn't owe the veteran any money.

What Income And Expenses Did We Use?

We used your total family income as shown below to award your death pension benefit from July 1, 2011.

Income We Counted

	Annual IRA	Annual Social Security	Annual Retirement	Annual Interest
Yourself	\$1,716	\$13,026	\$3,884	\$300

We used family medical expenses you paid in the amount of \$43,039.00 which reduces your countable income to \$0.00.

We also used last expenses of \$13,076.00 (\$13,676 funeral bill - \$600 burial benefit) when calculating your income for VA purposes from July 1, 2011 to July 1, 2012.

We used your total family income as shown below to adjust your death pension benefit from December 1, 2011.

Income We Counted

	Annual IRA	Annual Social Security	Annual Retirement	Annual Interest
Yourself	\$1,716	\$13,486	\$3,884	\$300

We used your medical expenses of \$43,039.00 which represents the amount you pay for Medicare (Part B and D) premiums, private medical insurance, and caregiver fees as a continuing deduction from March 1, 2012. This reduces your countable income to \$0.00. If the amount you pay for medical expenses changes or you are no longer paying medical expenses, tell us immediately. If you don't tell us about changes in your medical expenses, we may pay you too much money. You would have to pay back this money.

[REDACTED]

4

[REDACTED]
[REDACTED]

What Are Your Responsibilities?

You are responsible to tell us right away if:

- your income or the income of your dependents changes (e.g., earnings, Social Security benefits, lottery and gambling winnings)
- your net worth increases (e.g., bank accounts, investments, real estate)
- your continuing medical expenses are reduced
- you gain or lose a dependent
- your address or phone number changes

Direct Deposit

On your application, you requested to have your payments forwarded to your bank account. Your payments will be automatically deposited into this account each month. *If your account information has changed since you filed your claim with us, please notify us immediately.* Direct Deposit is the safest and most reliable way to get your money. For more information about Direct Deposit, please call us toll free by dialing 1-877-838-2778.

Are You Entitled to Additional Benefits?

We've enclosed VA Form 21-8767, "Death Pension Award Attachment," which explains other benefits.

You should contact your State office of veteran's affairs for information on any tax, license, or fee-related benefits for which you may be eligible as a veteran (or surviving dependent of a veteran). State offices of veteran's affairs are available at <http://www.va.gov/statedva.htm>.

What You Should Do If You Disagree With Our Decision

If you do not agree with our decision, you should write and tell us why. You have *one year from the date of this letter to appeal the decision.* The enclosed VA Form 4107, "*Your Rights to Appeal Our Decision,*" explains your right to appeal.

[REDACTED]

5

[REDACTED]

If You Have Questions or Need Assistance

If you have any questions, you may contact us by telephone, e-mail, or letter.

If you	Here is what to do.
Telephone	Call us at 1-877-294-6380. If you use a Telecommunications Device for the Deaf (TDD), the number is 1-800-829-4833.
Use the Internet	Send electronic inquiries through the Internet at https://iris.va.gov .
Write	Put your full name and VA file number on the letter. Please send all correspondence to the address at the top of this letter.

In all cases, be sure to refer to your VA file number [REDACTED]

If you are looking for general information about benefits and eligibility, you should visit our website at <https://www.va.gov>, or search the Frequently Asked Questions (FAQs) at <https://iris.va.gov>.

We sent a copy of this letter to your representative, New Jersey Dept of Military and Veterans' Affairs, whom you can also contact if you have questions or need assistance.

Sincerely yours,

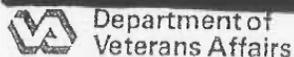
Eileen Kostic

Eileen Kostic
Veterans Service Center Manager

To email us visit <https://iris.va.gov>

Enclosure(s): Rating Decision
VA Form 21-8767
VA Form 4107

cc: [REDACTED]
New Jersey Dept of Military and Veterans' Affairs



DEATH PENSION AWARD ATTACHMENT

Information concerning Department of Veterans Affairs, Federal, State or local benefits may be obtained from your nearest VA office or any national service organization representative. You may call VA toll-free at 1-800-827-1000 (Hearing Impaired TDD line 1-800-829-4833) or contact VA by Internet at <https://iris.va.gov>.

WHEN IS YOUR VA CHECK DELIVERED?

A check covering the initial amount due under this award will be mailed within 15 days. Thereafter, checks will be delivered at the beginning of each month for the prior month.

HOW CAN YOU RECEIVE ADDITIONAL BENEFITS FOR DEPENDENTS?

You may be entitled to additional benefits for the veteran's unmarried children if the children are under age 18 or under 23 if attending an approved school, or if, prior to age 18, the child has become permanently incapable of self-support because of mental or physical defect. Children who meet one of these criteria may receive pension in their own right if there is no surviving spouse. You may contact VA as shown above for information on applying for this benefit.

HOW CAN YOU RECEIVE AID AND ATTENDANCE OR HOUSEBOUND BENEFITS?

VA may pay a higher rate of pension to a surviving spouse who is blind, a patient in a nursing home, otherwise needs regular aid and attendance, or who is permanently confined to his or her home because of a disability. You may contact VA as shown above for information on applying for this benefit.

HOW CAN CERTAIN EXPENSES INCREASE YOUR RATE OF IMPROVED PENSION?

Family medical expenses and educational or vocational rehabilitation expenses actually paid by you may be used to increase your rate of pension. Family medical expenses are amounts paid by you for medical expenses, including premiums paid for health insurance for yourself and relatives you are under an obligation to support. VA will deduct the amount you paid for medical expenses from your countable income if the expenses qualify for exclusion under the formula provided by law. Educational or vocational rehabilitation expenses are amounts paid for courses of education, including tuition, fees, and materials, and may be deducted from the respective incomes of a surviving spouse and the earned income of a child, if the child is pursuing a course of postsecondary education or vocational rehabilitation or training. Keep track of the unreimbursed amounts you pay. Normally these expenses are reported at the end of the year with an Eligibility Verification Report.

ARE YOUR BENEFITS EXEMPT FROM CLAIMS OF CREDITORS?

VA pension payments are exempt from claims of creditors. With certain exceptions, the payments are not assignable and are not subject to attachment, levy, or seizure except as to claims of the United States.

HOW DO YOU REPORT A CHANGE OF ADDRESS?

Please notify this office immediately of any change of address.

WHAT CONDITIONS AFFECT RIGHT TO PAYMENTS?

1. Your benefits may be affected by any changes in the amount of family income and marital or dependency status of the surviving spouse or children.

a. Change in family income and net worth: You are required to report the total amounts and sources of all income and net worth for you and your dependents for whom you have been awarded benefits. Some income is not countable. If you report such income, VA will exclude it when computing your income for VA purposes. Benefit rates and income limits change frequently; however, you can find out what the current income limitations and rates of benefits are by contacting VA as shown above.

b. Change in marital or dependency status: You or your survivors must notify us of any change in marital or dependency status or upon your death. Examples of changes in marital or dependency status include the death of a dependent, the marriage of you or your dependent child, and discontinuance of a child's school attendance. **Note: The law provides that entitlement to benefits is permanently lost if the surviving spouse or child marries or enters into a relationship where the individuals hold themselves out to the public as being married.**



Department of Veterans Affairs

YOUR RIGHTS TO APPEAL OUR DECISION

After careful and compassionate consideration, a decision has been reached on your claim. If we were not able to grant some or all of the VA benefits you asked for, this form will explain what you can do if you disagree with our decision. If you do not agree with our decision, you may:

- appeal to the Board of Veterans' Appeals (the Board) by telling us you disagree with our decision
- give us evidence we do not already have that may lead us to change our decision

This form will tell you how to appeal to the Board and how to send us more evidence. You can do either one or both of these things.

NOTE: Please direct all new evidence to the address at the top of our letter. Do not send evidence directly to the Board until you receive written notice from the Board that they received your appeal.

WHAT IS AN APPEAL TO THE BOARD OF VETERANS' APPEALS?

An appeal is your formal request that the Board review the evidence in your VA file and review the law that applies to your appeal. The Board can either agree with our decision or change it. The Board can also send your file back to us for more processing before the Board makes its decision.

HOW CAN I APPEAL THE DECISION?

How do I start my appeal? To begin your appeal, write us a letter telling us you disagree with our decision. This letter is called your "Notice of Disagreement." If we denied more than one claim for a benefit (for example, if you claimed compensation for three disabilities and we denied two of them), please tell us in your letter which claims you are appealing. *Send your Notice of Disagreement to the address at the top of our letter.*

What happens after VA receives my Notice of Disagreement? We will either grant your claim or send you a Statement of the Case. A Statement of the Case describes the facts, laws, regulations, and reasons that we used to make our decision. We will also send you a VA Form 9, "Appeal to Board of Veterans' Appeals," with the Statement of the Case. You must complete this VA Form 9 and return it to us if you want to continue your appeal.

How long do I have to start my appeal? You have one year to appeal our decision. *Your* letter saying that you disagree with our decision must be postmarked (or received by us) within one year from the date of *our* letter denying you the benefit. In most cases, you cannot appeal a decision after this one-year period has ended.

What happens if I do not start my appeal on time? If you do not start your appeal on time, our decision will become final. Once our decision is final, you cannot get the VA benefit we denied unless you either:

- show that we were clearly wrong to deny the benefit *or*
- send us new evidence that relates to the reason we denied your claim

Can I get a hearing with the Board? Yes. If you decide to appeal, the Board will give you a hearing if you want one. The VA Form 9 we will send you with the Statement of the Case has complete information about the kinds of hearings the Board offers and convenient check boxes for requesting a Board hearing. The Board does not require you to have a hearing. It is your choice.

Where can I find out more about appealing to the Board?

- You can find a "plain language" booklet called "How Do I Appeal," on the Internet at: <http://www.va.gov/vbs/bva/pamphlet.htm>. The booklet also may be requested by writing to: Mail Processing Section (014), Board of Veterans' Appeals, 810 Vermont Avenue, NW, Washington, DC 20420.
- You can find the formal rules for appealing to the Board in the Board's Rules of Practice at title 38, Code of Federal Regulations, Part 20. You can find the complete Code of Federal Regulations on the Internet at: <http://www.gpoaccess.gov/cfr/index.html>. A printed copy of the Code of Federal Regulations may be available at your local law library.