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Widow Benefits, DIC and Pension

By Thom Stoddert

The VA's benefits for widows/widowers can be substantial, especially with an economic recession going on and because too many veterans did not plan well for their later years providing for their survivors. I'll illustrate this with two stories that are lessons for all of us.

The first widow's husband died of complications from diabetes. She went to the VA armed with information that veterans or immediate family members of veterans who had served in Viet Nam could automatically receive compensation for medical issues due to presumptive exposure to Agent Orange. Since her husband had passed away from diabetes and had served in Viet Nam, she requested widow's benefits from her state's Regional Office. She was very angrily disappointed when she found out she was not eligible for pension nor the higher benefit of Dependents Indemnity Compensation (DIC).

A veteran's surviving spouse, minor children, and possibly parents can receive a VA pension when two requirements are met. First, the veteran must have completed two years of honorable service with at least one day of war time service. Second, pension is income based. In other words if the survivors have income that does not come up to the federal poverty level, benefits will be paid. Pension only covers the distance between specific forms of income as determined by federal law and the poverty level. Though this point changes often, it doesn't offer a whole lot in the way of money; but it is better than nothing.

In the mean time another woman, whose husband (also a Viet Nam veteran) died of a brain tumor, was made aware of possible benefits by VA employees. She was first made aware that she qualified for Pension; instead she was awarded the higher benefit of DIC that pays about \$13, 848.00 a year (\$1154 monthly - basic rate).

The DIC is a large improvement over Pension; so why the difference? It now becomes a little more complicated.

DIC is available to the spouses, minor children, and sometimes even parents of a veteran when he or she dies of a medical issue that has been granted the legal status of "service connection." It also can be awarded when a veteran has died after being rated at 100% for ten years or has been granted Individual Unemployability, also for ten years.

People and families do not exist in a vacuum and our modern society promotes the environment of bureaucracies. So the first widow did not get the benefit she believed was hers, while the second woman came away with more help than expected. One veteran died of a disease that the VA normally service connects even years after leaving the service; while the other died of a non-service connectable illness, nothing to do with his military service. What really happened behind the scenes is a lesson for all veterans and their loved ones.

The first widow, whose husband died of an Agent Orange related disease subsequent to his duty in Viet Nam, was denied benefits because he was never in Viet Nam despite his stories to his wife. His service records documented that he was born in 1956 and entered the service in 1974. Thus it was unlikely he was in a time frame to be able to be shipped out to Southeast Asia, but she never did the math. Even more significant, his military records did not show any where that he was ever closer to Saigon than Honolulu. In the end, the woman was without benefits and learned her husband who had left her a widow had lied to her over a very serious issue.

Despite two angrily worded claims to the VA that only resulted in the same explanation, she did not and would not receive benefits. There was no documentation or evidence to support her requests (demands) for benefits. She could not claim "cause of death due to presumptive exposure to Agent Orange."

The second widow was successful because she had the evidence needed to show that her husband's service connected PTSD did result in affecting the quality of care he received for the brain cancer that killed him. Brain cancer incurred over forty years after leaving the Army is not a service connectable medical issue under present VA law. Yet the second widow assisted by good information showed through medical documentation that her husband had rejected medical care. The refusal of medical care that could have resulted in a cure or a prolongation of life was motivated by the veteran's very severe PTSD symptoms. So when the VA's Regional Office had the evidence that allowed them to grant benefits, the second widow was awarded a reasonable income for the rest of her life. The first widow did not even meet the income requirements for a pension.

It's also good to know that there are other benefits that can be granted for eligible surviving family members. Some of these include educational and medical benefits. To start understanding all of this, obtain a copy of the VA Benefits Handbook, available at veteran service organizations, online at www.vba.va.gov, or just phone 1-800-327-1000 in any state. Another very good resource is Jim Strickland's "ultimate answer" site located on our homepage.