



Veterans Benefits

Benefits Authorized by Law

Cash benefits are available for veterans who have a disability. However, benefits and benefit rules vary depending on whether the veteran's disability is linked to his or her service in the military.

“Compensation” is paid on a monthly basis to a veteran with a disability that is at least ten percent service-related or to a spouse, child and/or dependent parent where a veteran's disability is evaluated as 30% or more disabling. Benefits are also available to a surviving spouse, child or parent because of service-connected death.

A “pension” is payable monthly for veterans with a permanent and total nonservice-connected disability (similar benefits available on basis of age). A basic disability entitlement exists only if a veteran is found permanently and totally disabled.

Veterans are also eligible to obtain health care, including mental health care. VA-facility and non-VA facility health benefits are available for outpatient medical and mental health treatment.

Impact of Criminal Justice Contacts on Receipt of Benefits

Rules regarding the loss of disability cash benefits vary, depending on the category of benefits being paid.

- Compensation is not lost unless the individual is convicted of a felony and has been incarcerated 60 days (benefit ceases on 61st day), at which point the benefit is reduced, but not totally eliminated.¹
- A pension is not lost unless the individual has been convicted of either a felony or a misdemeanor and has been incarcerated 60 days (the benefit is suspended on 61st day).²

The Veterans Administration's definition of "incarceration" is generally limited to confinement in a correctional facility. It does not include:

- parole,
- work release,
- confinement in a half-way house,
- participation in a community control program, and
- confinement in a state hospital.

If a veteran is judged incompetent (either in a criminal or a civil situation), then the benefit continues. However, in these circumstances, payment is made to a fiduciary and can be paid when the individual is in a hospital, but the amount is reduced and may not be more than \$90 a month.

Rules regarding the loss of health benefits are quite simple. Health benefits are not payable to jails or prisons. As with disability cash benefits, health benefits are payable when the individual is on:

- parole,
- work release,
- confinement in a half-way house,
- participation in a community control program, and
- confinement in a state hospital.

Reinstatement of Benefits

Veteran's benefits can be reinstated upon release. Cash benefits and health care can be payable and available immediately on release, if appropriate steps have been taken. To reinstate benefits the Veterans Administration requires written confirmation that the individual has been released from jail. Veterans can contact one of 58 VA Regional Offices around the country to reinstate their benefits.

The VA Regional Offices all have 1/800 numbers and will assist individuals in understanding the rules that apply and what they must do to file a new application or seek reinstatement of previous benefits.

However, the VA takes considerable time to make decisions. On average, it takes 273 days to process a new application for benefits.

Veterans wishing to apply for benefits for the first time may request information or services while incarcerated. This can accelerate their benefit claims, by enabling medical disability examinations and reviews of disability ratings to be conducted.

There are several sources of assistance for Veterans. Veterans can review federal VA materials to identify potential sources of assistance on benefits and other services upon release:

- The VA provides Guidelines and Recommendations for Services provided by the VHA Facilities to Incarcerated Veterans Re-entering Community Living. This document can be accessed at: http://www1.va.gov/homeless/docs/IV_IL_10200607.pdf.
- There are state specific resource guides for veterans that explain what is available to veterans who are inmates. This can be accessed at: <http://www1.va.gov/homeless/page.cfm?pg=39>.

- The Veterans Integrated Service Networks (VISN) are 21 geographic networks that have Healthcare for Reentry Veterans Specialists who can provide outreach and assessment services to incarcerated veterans and referrals and linkages to follow up care and short-term case management for inmates. A list of these individuals, can be accessed at: <http://www1.va.gov/homeless/page.cfm?pg=41>)
- Outreach specialists are also available from the Healthcare for Reentry Veterans initiative of the VA which provides outreach and pre-release assessments, referrals and linkages to follow up care and short-term case management for inmates). These can be checked at: <http://www1.va.gov/homeless/page.cfm?pg=38>

Also helpful can be state Departments of Veterans Affairs (for a list, see: <http://www.va.gov/statedva.htm>) as well as VA Regional offices. Veterans Service Organizations also often assist incarcerated veterans. A list of these groups can be accessed at: <http://www1.va.gov/VSO/>.

¹ 28 U.S.C. § 5313.

² 38 C.F.R. § 3.666.