

The Importance of Legal Professionals in Planning and Applying for the Aid & Attendance Benefit

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is brought to you by

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By: Shannon Laymon-Pecoraro, Esq.

Raised an Air Force Brat and now serving among the silent ranks as a Navy Wife, I understand the sacrifices made by the members (and their families) of our armed forces and have profound gratitude for the service of veterans to our country. Working with veterans, I also understand the challenge of understanding the various benefits available. While many organizations such as the Disabled American Veterans (DAV), Veterans of Foreign Wars (VFW), and the American Legion have representatives available to assist in making claims, some of the planning associated with these benefits should involve the assistance of a legal professional.

The VA Aid and Attendance Benefit is a pension benefit available to veterans who received an honorable discharge and served at least 90 days of active duty with at least one day during a recognized period of war. The purpose of the benefit is to provide financial assistance to the veteran or their spouse to offset high medical expenses associated with needed care, whether it be home health care, assisted living care, or nursing home care. In addition to financial requirements, the benefit requires that the veteran, or their spouse, meet medical criteria – such as the inability to independently perform activities of daily living such as bathing, feeding, dressing, walking, toileting, and maintaining continence.

Currently, the claimant of the benefit may have resources in excess of the limits set for Medicaid so there is often less of a “spend down,” and the lack of a “look back period” simplifies any necessary spend down process. That said, Veteran’s Claims Representatives must use caution when assisting clients with the transfer of assets. These Claims Representatives must understand various legal principles, such as rights and duties associated with joint assets and agency, or significant problems may arise. Advising someone to act beyond the scope of their authority as a joint account holder or as an agent under a power of attorney could potentially result in a lawsuit for breach of fiduciary duties. By utilizing the legal services of an attorney to assist with long-term care planning, whether to obtain Medicaid or to obtain the VA Aid and Attendance Benefit, you not only minimize liability associated with transfers, but you have the ability to utilize more

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comprehensive strategies, such as trust planning or financial planning, and discuss tax consequences of actions to be taken.

Veteran's benefits often involve much more than just an application – it often involves knowledge of complex regulations, legal principles, and tax principles. The attorneys and staff can assist with comprehensive planning associated with the application for the VA Aid and Attendance benefit. After the plan is developed and implemented, we assist many clients with the application for VA Aid & Attendance and our assistance with the application is provided as a pro bono service. If you or someone you know is a veteran or a spouse of a veteran in need of financial assistance for care services, contact the Hook Law Center to discuss potential eligibility, planning and application for the VA Aid and Attendance Benefit. We look forward to serving those who have served.



Bats

Hook Law Center: Kit Kat, what can you tell us about bats?

Kit Kat: Installing a bat box is a great way to learn about bats while providing them with a safe, cozy home. They can be purchased from many retailers, or homemade using a few simple tools. Bat boxes should be placed in an area with a lot of direct sunlight, at least 15 feet high and within a quarter mile of a water source. They can be placed in trees, but this may cause other animals to disturb them, so a better place would be on a pole or the side of a building.

After the bat box has been installed, it may take a little while before bats find it and begin to use it. For the best results, install it in the spring before bats return from hibernation or migration. Bats are more active at night, so once they discover the bat box, they can provide an opportunity for wildlife-watching after dark as they search for food.

(Ruthanne Johnson, "The Bats Motel," [All Animals](#), July/August 2014, p. 37)

Upcoming Events

- Hook Law Center will be participating in **Senior Advocate's Art of Healthy Aging Series** held at Westminster Canterbury, 3100 Shore Drive, Virginia Beach VA 23451. This series will be held once a month from July through December. HLC Attorneys Andrew H. Hook, Jessica A. Hayes, and Shannon Laymon-Pecoraro will provide an overview of Hook Law Center's Practice Areas at the meetings held on **Tuesday, September 2, 2014 at 10:00 am**, **Tuesday, October 2, 2014 at 10:00 am**, **Tuesday, November 4, 2014 at 10:00 am**, and **Tuesday, December 2, 2014 at 10:00 am**. We look forward to seeing you there!
- Andrew H. Hook will be speaking to the Chesapeake Chapter of NARFE (National Active and Retired Federal Employees) on **September 2, 2014 at 12 Noon** at the Chesapeake General Hospital's Lifestyle, Health and Fitness Center.
- **Andrew H. Hook** has been invited to appear on a taping of "The Forum with Jan Callahan," a WHRO-produced public service program, to discuss the importance of attending the **Art of Healthy Aging Convention** at the **Virginia Beach Convention Center** on **November 1, 2014** and to discuss his seminar to be held during the convention. More details to come.
- **Andrew H. Hook** and **Shannon Laymon-Pecoraro** will be presenting a seminar on the Affordable Care Act to the Marcari Law Firm on **November 12, 2014 at Noon**.



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