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Georgia Veterans Law can handle all types of **personal injury** and **wrongful death** claims—for both veterans and non-veterans.

- Auto accidents, workplace accidents, premises liability, chemicals, etc.
- Contact the firm for a **free consultation**.

What you get when you work with Georgia Veterans Law for your Camp Lejeune Justice Act claim or AFFF/PFAS firefighting foam claim:

- A Marine-owned law firm that cares about Marines and their families and stays with them from start to finish
 - No goofy television commercials—just building relationships
- **Free consultation**
- No cost to file a claim
 - If you win nothing, then you owe nothing.
- Co-counseling relationships with excellent law firms that have extensive experience in mass torts
- *Because the Camp Lejeune Justice Act and AFFF/PFAS firefighting foam are federal issues, Georgia Veterans Law can help **ANYONE**, not just people from Georgia.*

Honoring our Promise to Address Comprehensive Toxics Act (PACT Act)

- Expands eligibility for Department of Veterans (VA) healthcare for veterans with **toxic exposures**
- Adds presumptive exposure **locations**
- Adds presumptive exposure **conditions**
- Requires the VA to provide a **toxic exposure screening registry** to every veteran enrolled in VA healthcare
- Improves **research, education, and treatment** for toxic exposures
- Allows veterans to **file claims** for PACT Act benefits

Camp Lejeune Justice Act of 2022

- **Section 804** of the PACT Act
- The water at Camp Lejeune started being contaminated in the early 1950s and remained contaminated for several decades.
 - Solvent levels in tap water were **up to 280 times higher** than what the EPA considers to be safe.
 - There are **many diseases and conditions** that could have resulted from exposure, including cancers, heart conditions, female infertility, miscarriages, Parkinson's disease, and kidney disease.
- **Eligibility**

Any individual, not just a veteran, who was exposed to the water at Camp Lejeune for at least **30 days** from August 1, 1953, until December 31, 1987, and who suffered harm from being exposed

 - Includes those who were exposed before birth ("in utero")
 - A **deceased person's** legal representative may file.
 - The 30 days are **not** required to have been consecutive.
- There is a **two-year time period** for filing, which ends on August 10, 2024.
- An award will be reduced by money that already has been paid only for **exposure to the water at Camp Lejeune**, but only a few thousand people have received such benefits and therefore would be affected.
 - An award will not be affected by other service-connected payments.
- There are **many unknowns** about the Camp Lejeune Justice Act in terms of the number of cases that might be filed, how long that it will take for the government to settle cases, and what the award amounts will be.

AFFF/PFAS Firefighting Foam

- Aqueous Film Forming Foam (**AFFF**) was used for fighting fires on military bases, at airports, and at industrial sites, and it contained perfluoroalkyl or polyfluoroalkyl substances (**PFAS**), which are "**forever chemicals**," because they are persistent and resistant to environmental degradation.
 - These chemicals have been linked to many diseases and conditions, including several types of cancers.
 - Exposure to firefighting foam, wearing firefighting gear, or drinking PFAS-polluted water could cause these diseases and conditions.
- **Veterans** and **non-veterans** alike may apply for compensation.
- AFFF/PFAS cases have been consolidated in federal court in South Carolina.



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2023 VETERANS AFFAIRS PENSION AMOUNTS

QUALIFIED WAR PERIODS

<u>WORLD WAR II</u>	December 7, 1941 – December 31, 1946
<u>KOREAN WAR</u>	June 27, 1950 – January 31, 1955
<u>VIETNAM WAR</u>	November 1, 1955 – August 4, 1964: you must have served in the Republic of Vietnam August 5, 1964 – May 7, 1975: you do not have to have served in the Republic of Vietnam
<u>PERSIAN GULF</u>	August 2, 1990 – TBD

	<u>MONTHLY</u>	<u>ANNUALLY</u>
<u>VETERAN & SPOUSE</u>		
Aid and Attendance	\$2,642	\$31,714
<u>VETERAN</u>		
Aid and Attendance	\$2,229	\$26,752
<u>SPOUSE</u>		
Aid and Attendance	\$1,432	\$17,192

Key Takeaways

- 1) The Department of Veterans Affairs (VA) pension is a generous, tax-free benefit that every veteran and surviving spouse should know about.
 - If you are interested in getting a pension, then you should check into getting one **as soon as possible**, or else you could lose valuable money.
- 2) There are great benefits for veterans and surviving spouses, but you must know about them and apply for them.
- 3) Get your estate planning squared away, and have an advanced directive for health care and a power of attorney.

VA pensions

- ***Georgia Veterans Law gives free consultations to veterans, surviving spouses, and family members who need information about VA pensions.***
 - *See the prior page for qualified war periods and amounts for Aid and Attendance, which is the highest level of the VA pension.*
- The VA offers generous, tax-free pensions to qualified veterans and surviving spouses.
 - These pensions are one of America's ways to thank veterans and spouses for their sacrifices, and they allow veterans and surviving spouses to live with dignity during their later years.
 - Pensions do **not** depend on service-related injuries. Non-injured veterans, their spouses, and even **military retirees** may qualify.
- Qualifying is complicated and is based on:
 - 1) **Wartime service**
 - The veteran must have served for at least 90 days on active duty (training does not count), and at least one of those days must have been during a qualified war period.
 - 2) **Character of discharge**
 - No dishonorable discharge
 - 3) **Marital status** (for a surviving spouse)
 - The basic rule is that the spouse must not have divorced the veteran or remarried after the death of the veteran.
 - 4) **Health**
 - In order to qualify for Aid and Attendance, which is the most generous level of the pension, the veteran or spouse must have trouble in at least two of the six **activities of daily living**.

- An ideal candidate for Aid and Attendance is someone who lives in an assisted living facility or who lives at home and needs help with the activities of daily living.
- 5) **Income**
 - An applicant may subtract unreimbursed medical expenses in order to reduce countable income for application purposes, and in many cases an attorney can help count the services of a family member as an unreimbursed medical expense.
- 6) **Assets**
 - The veteran or spouse must have no more than \$150,538 in assets, not including the value of the house and a few other types of property.
 - If the veteran or spouse **owns a house** and is interested in getting a pension, then it is important to talk to an attorney before selling the house in order to preserve eligibility.
- It is important to apply for a pension as soon as possible in order to maximize the amount of pension money.

Military records

- **DD Form 214** contains information about a servicemember's military record and is important for obtaining veterans benefits
 - **ALWAYS have your DD Form 214 at the ready, even if you do not think that you might need benefits anytime soon.**
 - Before January 1, 1950, several different forms were used.
 - [archives.gov/veterans/military-service-records](https://www.archives.gov/veterans/military-service-records)
- The military has had various protocols for storing **medical records**.
 - **Health records** cover the outpatient, dental, and medical health treatment that servicemembers received while in military service.
 - <https://www.archives.gov/veterans/military-service-records/medical-records.html>
 - **Clinical (hospital inpatient) records** cover inpatient treatment.
 - <https://www.archives.gov/personnel-records-center/active-duty-medical-records>
- A **1973 fire** at the National Personnel Records Center destroyed approximately **16-18 million military records**, but lost military records can be reconstructed.
 - va.gov/records/get-military-service-records/reconstruct-records

Character of discharge is important for getting veterans benefits.

- Five standard types of **characters of discharge**
 - Honorable
 - General
 - Other Than Honorable (OTH)
 - Bad Conduct (BCD): given only by a special or general court-martial
 - Dishonorable (DD): given only by a general court-martial
- Each branch of the military has its own **discharge review board** (though the Marine Corps and Navy share the same one), and veterans sometimes are approved for **upgrades** to their characters of discharge. If you do not have an honorable character of discharge, then you may apply for an upgrade.
 - va.gov/discharge-upgrade-instructions
- If your non-honorable character of discharge was connected to any of the following, then you have a **strong case** for an upgrade:
 - Mental health conditions, including PTSD
 - Traumatic brain injury (TBI)
 - Sexual assault or harassment during military service
 - Sexual orientation, including under “Don’t Ask, Don’t Tell”

Federal Benefits for Veterans, Dependents and Survivors

- A **pocket guide** for federal benefits that is published by the VA
- Free download online in PDF
 - va.gov/opa/publications/benefits_book.asp
- \$5.00 in print from bookstore.gpo.gov

State Benefits for Georgia Veterans

- Electronic book (**e-book**) from the Georgia Department of Veterans Service
- Covers tax exemptions, drivers licenses, personal ID cards, license plates, hunting and fishing licenses, and other special provisions
- Free online
 - veterans.georgia.gov/state-benefits

Military veteran license plates

- Issued by the **Georgia Department of Revenue**
- No registration fee, no manufacturing fee, no annual registration
- Gold Star families and **surviving spouses** are eligible.
- dor.georgia.gov/military-veteran-license-plates

Two good ways for getting information from the VA

- **VA News:** news and events concerning veterans and veterans benefits
 - news.va.gov
- **VetResources:** email updates from the VA every Wednesday night
 - news.va.gov/vetresources

Veteran ID card

- Good for getting **discounts** at stores and restaurants
- Does **not** replace other forms of ID that you might need for VA health benefits or access to military bases
- va.gov/records/get-veteran-id-cards/vic

Discounts for veterans

- Many businesses give great year-round discounts to veterans, and the VA lists hundreds of them in a **VA News** blog post entitled “**Veteran discounts available year round.**”
 - news.va.gov/85765/veteran-discounts-available-year-round
- **ID.me** is an online identity verification network that is used by government agencies that include the VA, the Internal Revenue Service, and the Social Security Administration, as well as the State of Georgia. It allows a user to log on to different government websites while using only one online account. Veterans can create accounts and get access to discounts from many major businesses.
 - shop.id.me/military
- **American Forces Travel** is a partnership between the Department of Defense’s joint services Morale, Welfare, and Recreation (MWR) organizations and Priceline that offers discounts for hotels, cars, flights, cruises, vacation packages, and event tickets.
 - Veterans are eligible.
 - blogs.va.gov/VAntage/97057/veterans-travel-deals
 - americanforcetravel.com
- The **Veterans Canteen Service** provides “articles of merchandise and services at reasonable prices to Veterans enrolled in the VA healthcare system, caregivers, and visitors.”
 - shopvcs.va.gov
- **Exchanges:** tax-free shopping for honorably discharged veterans
 - shopmyexchange.com/veterans

VA life insurance

- The VA offers several life insurance programs for current military members and veterans.
 - benefits.va.gov/insurance
- **Veterans Affairs Life Insurance (VALife)**
 - Guaranteed acceptance whole life insurance coverage for up to \$40,000 for veterans who are age 80 and under with **service-connected disabilities**. Veterans who are 81 or older but did not receive disability ratings for new service-connected conditions until after turning 81 also are eligible if they apply within two years of receiving their ratings.
 - **Started in January 2023**
 - benefits.va.gov/insurance/valife.asp

VA Health Care

- **Basic eligibility:** “A person who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable may qualify for VA health care benefits, including qualifying Reserve and National Guard members.”
 - Not everyone veteran will qualify—during enrollment, each veteran is assigned a priority group, which the VA uses for balancing demand for VA Health Care enrollment with VA resources.
- Veterans who are **urged by the VA to enroll**
 - Veterans with service-connected disabilities of 50 percent or more
 - Veterans seeking care for service-connected disabilities only
 - Veterans seeking registry examinations (ionizing radiation, Agent Orange, depleted uranium, airborne hazards, etc.)
- **Notable benefits** of VA Health Care include:
 - Reimbursement for travel that is related to VA medical care
 - Special mode transportation, such as an ambulance or wheelchair
 - Veteran health registries, which entail special health evaluations and health-related information
 - Vet Centers for readjustment counseling services
 - **Home Improvements and Structural Alterations (HISA)**
 - Provides up to \$6,800 lifetime benefits for service-connected veterans and \$2,000 lifetime benefits for non-service-

connected veterans for making necessary improvement to a primary residence for continuing treatment or disability access

- Flu shots
- Urgent care and emergency medical care
- **Community Care**
 - Allows veterans to access community providers when the VA is unable to provide the required care for the veteran
- Services for blind and visually impaired veterans
- Mental health care treatment
- Veterans Crisis Line
- VA Dental Insurance Program
- va.gov/health-care

Service-connected disability: the military equivalent of **workers' compensation**

- **Disability Compensation:** payable to the veteran for disabilities from a disease or injury based on active military service
 - For some conditions, the VA presumes that a veteran's service by itself caused a particular condition.
 - **Agent Orange:** presumption of exposure to Agent Orange for veterans who served in Vietnam
 - The VA assigns disability ratings based on the severity of the condition(s), and these ratings determine monthly compensation.
 - Disability ratings are assigned in **ten percent increments** from zero percent to 100 percent.
 - Some veterans may have multiple disability ratings.
- **Dependency and Indemnity Compensation (DIC):** generally payable to a spouse, child, or parent of a servicemember who died while on active duty or inactive duty training or to survivors of veterans who died from service-connected disabilities
- **Special Monthly Compensation (SMC):** payable to veterans and spouses, surviving spouses, and parents for the loss of or damage to specific organs during military service
- There are **special benefits** for some—not all—veterans who have service-connected disabilities, including:
 - Housing grants
 - Automobile allowances
 - Clothing allowances

- Veterans and spouses are not allowed to get both service-connected disability and the VA pension.
 - Service-connected disability **is not** means-tested, but the VA pension **is** means-tested.
- benefits.va.gov/compensation

Program of Comprehensive Assistance for Family Caregivers

- A veteran who has at least a **70 percent service-connected disability** might be able to designate one primary family caregiver and up to two secondary family caregivers to receive a stipend in exchange for caring for the veteran.
- va.gov/family-member-benefits/comprehensive-assistance-for-family-caregivers

VA Fiduciary Program

- Protects veterans and other beneficiaries who, due to injury, disease, or old age, are **unable to manage their financial affairs**
 - The fiduciary oversees VA benefit payments.
- benefits.va.gov/fiduciary

Military cemeteries in Georgia, which provide **free** burial plots and **free** burial services, etc., for veterans, spouses, and some dependents

- **VA cemeteries**
 - Marietta National Cemetery: **generally closed** to new burials, though burial spaces sometimes become available
 - cem.va.gov/cems/nchp/Marietta.asp
 - Georgia National Cemetery (Canton): **open** for new burials
 - cem.va.gov/cems/nchp/georgia.asp
 - You may apply for a pre-need determination of eligibility, making the burial process easier on your family.
 - va.gov/burials-memorials/pre-need-eligibility
 - VA Form 40-10007
- **Georgia veterans cemeteries**
 - Georgia Veterans Memorial Cemetery at Glennville, located in Tattnall County
 - veterans.georgia.gov/services/memorial-cemeteries/gvmc-glennville

- Georgia Veterans Memorial Cemetery at Milledgeville, located in Baldwin County
 - veterans.georgia.gov/services/memorial-cemeteries/gvmc-milledgeville
- You may fill out an application for burial now, making the burial process easier on your family.
 - VS Form 28-001G

Veterans burial allowance (veterans death benefits)

- For a **service-connected death**, the VA will pay a burial allowance of up to \$2,000 and up to \$231 for a headstone or marker, and if the veteran is buried in a VA national cemetery, then the veteran's family might be eligible for the cost of transporting the veteran's remains to the cemetery.
 - There is no time limit for filing for reimbursement.
- For a **non-service-connected death**, the families of some—not all—veterans are eligible for an \$893 burial allowance, up to \$893 for a burial plot, and up to \$231 for a headstone or marker, if not reimbursed by another organization, such as another government agency.
 - The family must file **within two years** of burial/cremation.
- va.gov/burials-memorials/veterans-burial-allowance/

Legal documents that you should have

- **Will/trust:** allows you to determine who will receive your assets
 - The executor named in your will should be someone who is
 - 1) **Trustworthy**
 - 2) **Competent:** not necessarily a genius—just someone with a little bit of common sense!
 - A trusted family member ideally will be your executor.
 - Be very careful about appointing a lawyer or anyone else **who will make money** by prolonging and complicating the probating of your estate.
 - One of the safest ways of storing your will is storing it at your county's probate court.
 - Pay only **\$15.00** for **lifetime storage** in a fireproof safe.
 - You may access your will when you need to access it.
- **Advanced directive for health care:** allows you to choose someone who will make medical decisions for you

- **Power of attorney:** allows you to choose someone who will make decisions about your finances and property
- Military retirees and their dependents who have valid military IDs can get **free** simple wills, powers of attorney, and advanced directives for health care from on-base military legal assistance. If you are wealthy or need complex estate planning arrangements, such as a trust, then you should talk with a civilian attorney who knows Georgia estate planning in-depth.
 - **Marine Corps Logistics Base Albany** (Albany), 229-639-5212
 - **Fort Moore** (Columbus), 706-545-3281
 - **Dobbins Air Reserve Base** (Marietta)
 - The Air Force Reserve side does not handle wills, but it offers powers of attorney and notarization services. 678-655-5247
 - The Clay National Guard Center side does wills on drill weekends and does walk-ins for special powers of attorney on Mondays through Fridays from 0900 until 1130. 678-569-5640
 - **Fort Gordon** (Augusta), 706-791-7812
 - **Naval Submarine Base Kings Bay** (St. Marys), 912-573-3935
 - **Moody Air Force Base** (Valdosta), 229-257-3414
 - **Robins Air Force Base** (Warner Robins), 478-926-9276
 - **Fort Stewart** (Hinesville), 912-767-8819
- Choose a day—maybe your birthday, New Year’s Day, or Tax Day—for:
 - Making sure that you have an **updated** will/trust, advanced directive for health care, and power of attorney
 - Ensuring that these documents are **stored properly** and that your family can access them
 - Reminding your family of your desired **funeral arrangements**
 - Reviewing your **life insurance** policies
 - Swapping digital **photos and videos** with your family, since they can be difficult or even impossible to access after incapacity or death

NOTE: The information contained in this document is not legal advice and does not create an attorney-client relationship. It is for educational purposes only, and some information might change with time. If you have a legal issue, then please consult an attorney. Cases will be co-counseled with other law firms. “Georgia Veterans Law” is the trade name for Georgia Veterans Law LLC, a law firm that is owned by Matthew Wages Johnson, a former United States Marine Corps officer and Georgia-barred attorney. The firm’s mailing address is PO Box 802, Lawrenceville, GA 30046, and the firm’s telephone number is 770-842-4398. Georgia Veterans Law LLC is a private law firm, and the use of anything military-related does not imply endorsement by the Department of Defense or Department of Veterans Affairs. “If you win nothing, then you owe nothing” refers only to fees collected by the attorney. Court costs and other additional expenses of legal action usually must be paid by the client. Contingent fees are not permitted in all types of cases.