

# VA



**U.S. Department of Veterans Affairs**  
Veterans Benefits Administration

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## **Pension Poaching Prevention: Spot a Scam, Stop a Scam! Be Prepared, Be Educated, Be Vigilant.**

### **What is the VA Pension Program?**

The Department of Veterans Affairs (VA) Veterans Pension program provides monthly payments to wartime Veterans who meet certain age or disability requirements, and who have income and net worth within certain limits. The VA Survivors Pension program offers monthly payments to qualified surviving spouses and unmarried dependent children of wartime Veterans who meet certain income and net worth limits set by Congress.

VA can pay an additional aid and attendance or housebound allowance for those claimants who are eligible for Pension benefits. The aid and attendance allowance requires that another person assists with performing activities of daily living. The housebound benefit requires confinement to the home or immediate residence because of a disability.

### **Pension Eligibility Criteria can also be found online**

- Veterans Pension: <https://www.va.gov/pension/eligibility/>
- Survivors Pension: <https://www.va.gov/pension/survivors-pension/>

### **What is pension poaching?**

Pension Poaching is a financial scam **targeting Veterans**, survivors, and their families who are potentially eligible for VA benefits. A popular scam occurs when an unethical advisor profits by assisting a claimant in artificially qualifying them for VA Pension benefits. The scheme often involves financial maneuvers such as advising claimants to hide their assets in trusts or annuity products. This financial exploitation can backfire and disqualify claimants from needed benefits or tie up their savings in investments that

earn lucrative fees for the advisors. The advisor may not advise that VA reviews the terms and conditions of any assets the claimant may have transferred in the 3 years before filing the pension claim.

If Pension benefits are approved and VA later determines that eligibility did not exist, the claimant will be required to repay these benefits to the government.

**Perpetrators of pension poaching scams can present themselves in many professions, including attorneys and financial planners.**

Pension Poaching scams could also involve a caregiver who requires that the Veteran or survivor have their benefits deposited into the caregiver's bank account. VA benefits should go directly to the beneficiary (Veteran or survivor), not the caregiver.

**KNOW THE FACTS: HELP AVOID FINANCIAL EXPLOITATION**

**How can your income and assets affect your eligibility?**

To learn more about the pension income and net worth limits, visit

- Veterans Pension Rates: <https://www.va.gov/pension/veterans-pension-rates/>
- Survivors Pension Rates: <https://www.va.gov/pension/survivors-pension-rates/>

**How much should you pay to have your application for benefits and services submitted to the VA?**

You should expect to **pay nothing**. VA does not charge to process applications for benefits and services, and no one can charge a claimant for preparing or filing an application for benefits with VA without violating the law. There are also various other ways to obtain assistance directly from the VA, such as the National Call Center (1-800-827-1000), and public contact offices at the local VA Regional offices.

To find a VA location nearest to you, please visit: <https://www.va.gov/find-locations>

## **Who can assist you with filing a claim for VA benefits and services?**

In addition to seeking assistance from VA with the claims process, VA accredits three types of individuals to assist with filing a claim: representatives of VA recognized

Veterans Service Organizations (VSOs), claims agents, and attorneys. VA-recognized VSOs, and their representatives, always provide their services on benefit claims free-of-charge. VA-accredited attorneys and agents may charge you a fee for their representation in appealing or requesting additional review of an adverse VA decision, but they may not charge for services provided on an initial claim.

A searchable list of accredited VSO representatives, agents, and attorneys is available at the VA Office of the General Counsel website:

<http://www.va.gov/ogc/apps/accreditation/index.asp>

## **Can an accredited attorney or claims agent, who is also a financial planner, charge a fee for preparing a claim for pension or survivors' benefits?**

No. An accredited attorney or claims agent may generally charge claimants a fee only **after** a VA Regional Office has issued a decision on a claim, and the attorney or agent has filed a power of attorney and a fee agreement with VA.

## **Who can guarantee Veterans and their families will receive benefits from the VA?**

No one can guarantee that the VA will award you a benefit or service, not even someone who is VA accredited. Only the VA can determine eligibility and award benefits and services.

## **Who can you contact to file a complaint?**

- Call the 1-800-827-1000, Department of Veterans Affairs National Call Center
- Visit the Federal Trade Commission at [ReportFraud.ftc.gov](http://ReportFraud.ftc.gov)
- Visit <https://www.usa.gov/state-attorney-general> to find your State Attorney General
- Visit OIG at <https://www.va.gov/oig/>
- Visit Federal Communications Commission at <https://www.fcc.gov/veterans-targeted-benefits-scams>