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## Are You A Veteran? How Will Imprisonment Affect Your VA Benefits?

### Veterans Affairs (Va) Disability Compensation

You have the right to apply for VA disability benefits while you are incarcerated. Current and/or future VA disability compensation payments are reduced if you are convicted of a felony and imprisoned for more than 60 days. Veterans rated 20% or more are limited to the 10% disability rate. For a Veteran whose disability rating is 10%, the payment is reduced by one-half.

### VA Disability Pension

If you are imprisoned after being convicted of a felony or misdemeanor, your pension payment will be discontinued effective the 61st day of imprisonment following conviction.

### Education Benefits

Incarcerated Veterans can be paid only the costs of tuition, fees, necessary books, equipment, and supplies. VA cannot make payments for tuition, fees, books, equipment, or supplies if another Federal, State or local program pays these costs in full. VA will only pay if a balance remains.

### Apportionment

All or part of your compensation or pension may be given to your spouse, children, or dependent parents based on financial need. The distribution of an incarcerated Veteran's VA benefits is not granted automatically to the Veteran's dependents. The dependent(s) must file a claim.

### VA Medical Care While Imprisoned

Incarcerated Veterans do not lose their eligibility for VA medical care; however, VA cannot provide hospital care when the institution has a duty to give the care. VA health care benefits will resume to the Veteran upon their release. Medical care to an incarcerated Veteran's spouse or dependents will not be interrupted.

### When Will VA Benefits Be Resumed?

Veterans must inform VA to have their benefits resumed within 30 days or less of their anticipated release date based on evidence from a parole board or other official prison source showing the Veteran's scheduled release date. The award for compensation or pension benefits shall be resumed on the date of release from incarceration if the VA receives notice of release within one year following release. *Note: You are considered to have been released from incarceration if you are paroled or participating in a work release or half-way housing program.*

**Contact your SADO lawyer with further questions.**

Prepared by Lisa Lamarre, SADO Paralegal, September 2019