

Veterans Benefits for Seniors



Dan Thorstad
Cass County Veteran Service Officer

Overview

- Veterans Pension (NSC)
- Aid & Attendance / Housebound Status
- Survivors Pension (Widows / Widowers)
- Survivor Benefits
 - DIC
 - CHAMPVA
- Death Benefits

Veterans Pension

- Veterans Pension is a tax-free monetary benefit payable to low-income wartime Veterans.
- Yearly family income must be less than the amount set by Congress to qualify
 - Without Spouse or Child = \$12,868
 - With One Dependent = \$16,851
 - Housebound Without Dependents = \$15,725
 - Housebound With One Dependent = \$19,710
 - A&A Without Dependents = \$21,466
 - A&A With One Dependent = \$25,448
 - Net worth less than \$80,000

Veterans Pension - Eligibility

- Veteran of the US Armed Forces
 - 90 days of continuous Active Duty Service before 1980 OR
 - 24 months service after Sep 7, 1980 OR
 - For the full time period for which a person was called or ordered to active duty AND
 - 1 day of service during a wartime period
 - World War II (December 7, 1941 – December 31, 1946)
 - Korean conflict (June 27, 1950 – January 31, 1955)
 - Vietnam era (February 28, 1961 – May 7, 1975 for Veterans who served in the Republic of Vietnam during that period; otherwise August 5, 1964 – May 7, 1975)
 - Gulf War (August 2, 1990 –)
 - AND an other than dishonorable separation

Veterans Pension – Eligibility (Cont)

☐ **Wartime Veteran of the US Armed Forces**

- Age 65 or older, OR
- Totally and permanently disabled, OR
- A patient in a nursing home receiving skilled nursing care, OR
- Receiving Social Security Disability Insurance, OR
- Receiving Supplemental Security Income
- If under 65, must have a permanent and total medical disability that prevents gainful employment

Veterans Pension with Aid & Attendance

☐ **Aid and Attendance** will be considered to exist when:

- You require the aid of another person in order to perform personal functions required in everyday living, such as bathing, feeding, dressing, attending to the wants of nature, adjusting prosthetic devices, or protecting yourself from the hazards of your daily environment
- You are bedridden, in that your disability or disabilities requires that you remain in bed apart from any prescribed course of convalescence or treatment
- You are a patient in a nursing home due to mental or physical incapacity
- Your eyesight is limited to a corrected 5/200 visual acuity or less in both eyes; or concentric contraction of the visual field to 5 degrees or less

Veterans Pension w/ Housebound Status

☐ **Housebound** will be considered to exist when the veteran is:

- Rated 100% for a single permanent disability AND
- Have additional disabilities rated at 60% OR
- Are totally housebound by reason of their disabilities
 - Permanently housebound means the veteran is substantially confined, as a result of the disability or disabilities, to home, ward or clinic areas (if institutionalized), institution or immediate premises.

Survivor's Pension

☐ The Survivors Pension benefit is a tax-free monetary benefit payable to a low-income, un-remarried surviving spouse and/or unmarried child(ren) of a deceased Veteran with wartime service.

☐ Eligibility rules for Veterans Pension apply

☐ The surviving spouse need not be disabled and is eligible at any age

☐ A child must be:

- Under 18, OR
- Under age 23 if attending a VA-approved school, OR
- Permanently incapable of self-support due to a disability before age 18

Survivor's Pension

❑ The income limits are different from the Veterans Pension and must be less than the amount set by Congress to qualify:

- Without Dependent Child = \$7,933
- With One Dependent Child = \$10,385
- Housebound Without Dependents = \$9,696
- Housebound With One Dependent = \$12,144
- A&A Without Dependents = \$12,681
- A&A With One Dependent = \$15,128
- No more than \$80,000 in assets

❑ Same eligibility rules apply for Aid & Attendance or Housebound Status

Survivor Benefits - DIC

❑ Dependency & Indemnity Compensation

• A tax free monetary benefit paid to eligible survivors of military Servicemembers who died in the line of duty or eligible survivors of Veterans whose death resulted from a service-related injury or disease.

• Basic Monthly Rate = \$1,254.19

• Eligibility:

- Married to a Servicemember who died on active duty, active duty for training, or inactive duty training, OR
- Validly married the Veteran before January 1, 1957, OR
- Married the Veteran within 15 years of discharge from the period of military service in which the disease or injury that caused the Veteran's death began or was aggravated, OR
- Was married to the Veteran for at least one year, OR
- Had a child with the Veteran, AND
- Cohabited with the Veteran continuously until the Veteran's death or, if separated, was not at fault for the separation, AND
- Is not currently remarried (Note: a surviving spouse who remarries on or after attaining age 57, is entitled to continue to receive DIC.)

Survivor Benefits - Health Care

❑ The Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA)

- Is a comprehensive health care program in which the VA shares the cost of covered health care services and supplies with eligible beneficiaries.
- To be eligible for CHAMPVA, you cannot be eligible for TRICARE, and you must be in one of these categories:
 - ❑ The spouse or child of a Veteran who has been rated permanently and totally disabled for a service-connected disability by a VA regional office.
 - ❑ The surviving spouse or child of a Veteran who died from a VA-rated service-connected disability.
 - ❑ The surviving spouse or child of a Veteran who was at the time death rated permanently and totally disabled from a service-connected disability.
 - ❑ The surviving spouse or child of a military member who died in the line of duty, not due to misconduct (in most of these cases, these family members are eligible for TRICARE, not CHAMPVA).

Death Benefits

❑ Burial & Plot Allowance:

- If Veteran dies of a service-connected disability, or while on active-duty, the maximum allowance is \$2000
- VA will pay \$747 for burial AND up to \$747 for plot if:
 - Veteran dies in a VA facility or
 - While traveling under VA care or
 - Vet died while at a state approved NH being paid by VA
- VA will pay up to \$300 for burial AND up to \$747 plot if:
 - The Veteran was receiving VA pension or compensation at the time of death, OR
 - The Veteran was entitled to receive VA pension or compensation, but decided to receive his or her full military retirement or disability pay, OR
 - The Veteran had an original or reopened claim for VA compensation or pension pending at the time of death and would have been entitled to benefits from a date prior to the date of death

Death Benefits

❑ National Cemetery

- Veterans and Members of the Armed Forces (Army, Navy, Air Force, Marine Corps, Coast Guard) and their spouses.
- Discharged under conditions other than dishonorable.

❑ State Cemetery

- Same rules of eligibility, however, National Guard members and their spouses may also be buried

Note: Burial and or plot allowance are forfeited if buried in a National or State Cemetery.

Questions?

Hours of Operation

8:00 AM to 5:00 PM
Monday thru Friday
(Excluding Holidays)

Location

Cass County Courthouse
3rd Floor, South Wing
211 9th Street South
Fargo, ND 58103

Contact information

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PENSION AND FIDUCIARY

VA PENSION

WHAT IS VA PENSION?

Pension is a needs-based benefit paid to wartime Veterans, who meet certain age or non-service connected disability requirements.

WHO IS ELIGIBLE?

You may be eligible if:

- You were discharged from service under other than dishonorable conditions, **AND**
- You served 90 days or more of active duty with at least 1 day during a period of war time*, **AND**
- Your countable income is below the maximum annual pension rate (MAPR), **AND**
- You meet the net worth limitations, **AND**
- You are age 65 or older, **OR**, you have a permanent and total non-service connected disability, **OR**, you are patient in a nursing home, **OR** you are receiving Social Security disability benefits.

*Veterans who entered active duty after September 7, 1980, must also serve at least 24 months of active duty service. If the total length of service is less than 24 months, the Veteran must have completed their entire tour of active duty.

For current maximum annual pension rate (MAPR), visit our [Veterans Pension Rate Table](#).

HOW MUCH DOES VA PAY?

VA calculates annual pension by first determining for your particular circumstances that Maximum Annual Pension Rate (MAPR), an amount set by Congress. For example, if you are a Veteran with no dependents, the MAPR is \$12,868. Next, VA determines your countable income. VA determines countable income by subtracting from your total income received in a particular 12-month period, the amount of those exclusions provided by law. VA subtracts your countable income from the MAPR; the difference is your annual pension entitlement. VA divides this amount by 12 and rounds down to the nearest dollar, this is the approximate amount of your monthly pension payment.

VA deducts certain expenses paid by you, e.g., unreimbursed medical expenses, from your annual household income, which will decrease your countable income and increase your monthly pension



Disabilities determined by VA to be related to your military service can lead to monthly non-taxable compensation, enrollment in the VA health care system, a 10-point hiring preference for federal employment and other important benefits. Ask your VA representative or Veterans Service Organization representative about Disability Compensation, Pension, Health Care, Caregiver Program, Career Services, Educational Assistance, Home Loan Guaranty, Insurance and/or Dependents and Survivors' Benefits.



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payment. A complete list of these exclusions is provided in section 3.272 of title 38, Code of Federal Regulations. These regulations are available at the [Government Printing Offices website](#).

HOW CAN YOU APPLY?

You may apply for pension by filling out VA Form 21-527EZ, Application for Pension, and mailing it to the [Pension Management Center](#) having jurisdiction over your claim. If you do not know which [PMC](#) has jurisdiction over your claim, you may submit your request to the VA regional office closest to your current residence. A directory of VA regional offices is available at [Directory of VA Regional Offices](#). You can also apply online through [VONAPP](#).



PENSION

BENEFITS

WHAT VETERANS AND THEIR FAMILIES SHOULD KNOW WHEN APPLYING FOR DEPARTMENT OF VETERANS AFFAIRS (VA) PENSION BENEFITS

VA's pension program provides monthly benefit payments to certain wartime Veterans with financial need, and their survivors. As Veterans and survivors consider applying for these benefits, VA would like to share important information about the pension program and organizations offering assistance with pension applications.

WHAT ARE PENSION BENEFITS?

- **Pension** is a needs-based benefit paid to a wartime Veteran and his/her survivor(s). A Veteran may generally be eligible if he/she:
 - was discharged from service under other than dishonorable conditions, **AND**
 - served 90 days or more of active military, naval or air service with at least 1 day during a period of war*, **AND**
 - his/her countable income is below the [maximum annual pension rate](#), **AND**
 - meets the net worth limitations, **AND**
 - is age 65 or older, **OR** is shown by evidence to have a permanent and total non-service-connected disability, **OR** is a patient in a nursing home, **OR** is receiving Social Security disability benefits.

*Veterans who entered active duty after September 7, 1980, must also have served at least 24 months of active duty service. If the total length of service is less than 24 months, the Veteran must have completed his/her entire tour of active duty.
- **Aid and Attendance (A&A)** is an increased monthly pension amount paid to a Veteran or surviving spouse. You may be eligible for the increased A&A amount if:
 - You are eligible for basic pension benefits **AND**
 - You require the aid of another person in order to perform activities of daily living, such as bathing, feeding, dressing, toileting, adjusting prosthetic devices, or protecting yourself from the hazards of your daily environment, **OR**
 - You are bedridden, in that your disability or disabilities require that you remain in bed apart from any prescribed course of convalescence or treatment, **OR**

Disabilities determined by VA to be related to your military service can lead to monthly non-taxable compensation, enrollment in the VA health care system, a 10-point hiring preference for federal employment and other important benefits. Ask your VA representative or Veterans Service Organization representative about Disability Compensation, Pension, Health Care, Caregiver Program, Career Services, Educational Assistance, Home Loan Guaranty, Insurance and/or Dependents and Survivors' Benefits.



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- You are a patient in a nursing home due to mental or physical incapacity, **OR**
- You have corrected visual acuity of 5/200 or less, in both eyes, or concentric contraction of the visual field to 5 degrees or less.
- **Housebound** is an increased monthly pension amount paid to a Veteran or surviving spouse who is substantially confined to his or her home because of permanent disability. You may be eligible if:
 - You are eligible for basic pension benefits **AND**
 - You have a single permanent disability evaluated as 100-percent disabling **AND**, due to a disability or disabilities, you are permanently and substantially confined to your immediate premises, **OR**
 - You have a single permanent disability evaluated as 100-percent disabling **AND** another disability or disabilities, independently evaluated as 60-percent or more disabling.

What do I need to know about the organizations that are offering assistance with claims for pension benefits?

- **The U.S. Senate Special Committee on Aging** (Committee) found that some organizations are misrepresenting themselves while helping Veterans and survivors apply for VA pension.
 - In a June 2012 hearing, the Committee addressed concerns that some organizations are marketing financial products and services to enable claimants whose assets exceed the VA pension program's financial eligibility thresholds to qualify for VA pension benefits.
 - The Committee also learned these organizations may charge substantial fees for products and services that may not always be in claimants' best long-term interests.
 - You can access a video of the hearing on the Committee's [website](#).
- **The U.S. Government Accountability Office** (GAO) published a report, Veterans' Pension Benefits: Improvements Needed to Ensure Only Qualified Veterans and Survivors Receive Benefits, [GAO-12-540](#). GAO found that:
 - There are over 200 organizations that market financial and estate-planning services to help pension claimants with excess assets meet financial eligibility requirements for pension benefits.
 - These organizations consist primarily of financial planners and attorneys who offer products such as annuities and trusts.
 - Some products and services provided, such as annuities, may not be suitable for elderly Veterans because they may not have access to all their funds for their care within their expected lifetime without facing high withdrawal fees.
 - These products and services may result in ineligibility for Medicaid for a period of time.
 - Some organizations charged fees, ranging from a few hundred dollars for benefits counseling to \$10,000 for establishment of a trust.

Who can help me file a claim for VA pension, including pension at the aid and attendance or housebound rates?

- An individual generally must first be accredited by VA to assist a claimant in the preparation, presentation, and prosecution of a claim for VA benefits—even without charge. VA accredits three types of individuals for this purpose:
 - Representatives of VA-recognized Veterans service organizations
 - Independent claims agents
 - Private Attorneys
- A searchable list of accredited representatives, agents, and attorneys is available at the VA Office of the General Counsel website:
<http://www.va.gov/ogc/apps/accreditation/index.asp>
- VA accreditation, which is for the sole and limited purpose of preparing, presenting, and prosecuting claims before VA, is necessary to ensure that claimants for VA benefits have responsible, qualified representation.
- VA regulations allow a one-time exception to this general rule, which allows VA to authorize a person to prepare, present, and prosecute one claim without accreditation. The assistance must be without cost to the claimant, is subject to the laws governing representation, and may not be used to evade the accreditation requirements.
- Preparation and presentation of a VA claim includes, among other things, gathering the information necessary to file a claim for benefits, completing claim applications, submitting claim information to VA, and communicating with VA on behalf of a claimant.
- A VA-accredited attorney or claims agent, who is also a financial planner, may assist a claimant with a claim for A&A. However, financial planners may not use their VA accreditation for the purpose of promoting or selling financial products.
- If VA determines that an accredited attorney or agent is using VA accreditation for an improper purpose, VA may suspend or cancel the individual's accreditation.

Can an accredited attorney or claims agent, who is also a financial planner, charge a fee for preparing a claim for A&A?

- No. An accredited attorney or claims agent may generally charge claimants a fee only **after** an agency of original jurisdiction (e.g., a VA regional office) has issued a decision on a claim, a notice of disagreement has been filed, and the attorney or agent has filed a power of attorney and a fee agreement with VA.
- An exception applies when an accredited attorney or claims agent receives a fee or salary from a disinterested third party. A third party is considered disinterested only if the entity or individual would not benefit financially from the successful outcome of the claim.

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- We note that some individuals charge a pre-filing “consultation” fee to inform a Veteran or survivor about VA benefits that may be available to them. In certain states, a license to practice law may be required to provide and charge a fee for such “consultations,” which may be considered giving legal advice.
 - Such “consultation” fees are unlawful if they are charged after a Veteran or survivor becomes a VA **claimant** by expressing to the attorney or agent an intent to file a claim for VA benefits.
 - A “consultation” fee may not be tied to the outcome of a claim filed with VA if the attorney or agent provides any claims assistance—that is, an attorney or agent cannot agree to refund the fee if, after the attorney or agent assists with a VA claim, VA ultimately denies the claim. Such a fee would amount to an unlawful contingency fee or advance payment for assistance with an application for VA benefits.
 - VA-recognized Veterans service organizations, including their accredited representatives, are not permitted to receive fees for their services in connection with a VA claim in any instance.
 - If VA determines that an accredited attorney or agent is improperly charging a fee for preparing, presenting, or prosecuting a claim prior to the filing of a notice of disagreement, VA may suspend or cancel the individual’s accreditation.

Is it permissible to offer a guarantee that a claimant will be awarded A&A or that the processing of a claim will be expedited?

- No. Such promises are patently misleading because VA is ultimately the adjudicator of claims for VA benefits.
- If VA determines that an accredited attorney or agent has misled or deceived a claimant regarding benefits or other rights under programs administered by VA, VA may suspend or cancel the individual’s accreditation.

For More Information, Call Toll-Free 1-800-827-1000 or Visit Our Web Site at <http://www.va.gov>





DEPENDENTS AND SURVIVORS

SURVIVORS PENSION BENEFIT

WHAT IS SURVIVORS PENSION?

Survivors pension (formerly death pension) is a needs-based benefit paid to surviving spouses and children of wartime Veterans, who meet certain age, disability, and marriage requirements.

WHO IS ELIGIBLE?

You may be eligible if:

- the deceased Veteran was discharged from service under other than dishonorable conditions, AND
- he or she served 90 days or more of active duty with at least 1 day during a period of war*, AND
- you are the unmarried surviving spouse (or previously married and the marriage was terminated prior to November 1, 1990); OR
- you are the unmarried child of the deceased Veteran who is under 18, who became permanently helpless before 18, or is between 18 and 23 and pursuing a course of instruction at an approved educational institution, AND
- your countable income is below the amount listed in the chart below, AND
- you meet the net worth limitations.

*If the deceased Veteran entered active duty after September 7, 1980, he or she must have served at least 24 months of active duty service. If the total length of service is less than 24 months, the Veteran must have completed their entire tour of active duty.

For the current maximum annual pension rate, visit our [Survivors Pension Rate Table](#).

HOW MUCH DOES VA PAY?

VA calculates annual pension by first determining for your particular circumstances the Maximum Annual Pension Rate (MAPR), an amount set by Congress. For example, if you are a surviving spouse with no dependent children, the MAPR is \$8,630. Next VA determines your countable income. VA determines countable income by subtracting from your total annual income the amount of those exclusions provided by law. VA then subtracts from the MAPR your countable income; the difference



Disabilities determined by VA to be related to your military service can lead to monthly non-taxable compensation, enrollment in the VA health care system, a 10-point hiring preference for federal employment and other important benefits. Ask your VA representative or Veterans Service Organization representative about Disability Compensation, Pension, Health Care, Caregiver Program, Career Services, Educational Assistance, Home Loan Guaranty, Insurance and/or Dependents and Survivors' Benefits.



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of Veterans Affairs

is your yearly pension entitlement. VA divides this amount by 12 and rounds down to the nearest dollar, this is the approximate amount of your monthly pension payment.

VA deducts certain expenses paid by you, e.g., unreimbursed medical expenses, from your annual household income, which will decrease your countable income and increase your monthly pension payment. A complete list of these exclusions is provided in [section 3.272 of title 38, Code of Federal Regulations](#).

HOW CAN YOU APPLY?

You may apply for survivors' pension by filling out [VA Form 21-534EZ, Application for DIC, Death Pension, and/or Accrued Benefits](#), and mailing it to the [Pension Management Center \(PMC\)](#) that has jurisdiction over your claim. If you do not know which [PMC](#) has jurisdiction over your claim, you may submit your application to the VA regional office closest to your current residence. See our [directory of VA regional offices](#).

We ask that you provide a copy of the Veteran's death certificate with your claim.





DEPENDENTS AND SURVIVORS

BURIAL AND PLOT INTERMENT ALLOWANCE

WHAT ARE VA BURIAL ALLOWANCES?

VA burial allowances are flat rate monetary benefits that are generally paid at the maximum amount authorized by law for an eligible Veteran's burial and funeral costs. A VA regulation change in 2014 simplified the program to pay eligible survivors quickly and efficiently. Eligible surviving spouses of record are paid automatically upon notification of the Veteran's death, without the need to submit a claim. VA may grant additional benefits, including the plot or interment allowance and transportation allowance, if it receives a claim for these benefits.

WHO IS ELIGIBLE?

If the burial benefit has not been automatically paid to the surviving spouse, VA will pay the first living person to file a claim of those listed below:

- Veteran's surviving spouse; **OR**
- The survivor of a legal union* between the deceased Veteran and the survivor; **OR**
- The Veteran's children, regardless of age; **OR**
- The Veteran's parents or surviving parent; **OR**
- The executor or administrator of the estate of the deceased Veteran.

*Legal union means a formal relationship between the decedent and the survivor that existed on the date of the Veteran's death, which was recognized under the law of the State in which the couple formalized the relationship and evidenced by the State's issuance of documentation memorializing the relationship.

The Veteran must also have been discharged under conditions other than dishonorable. In addition, at least one of the following conditions must be met:

- the Veteran died as a result of a service-connected disability, **OR**
- the Veteran was receiving VA pension or compensation at the time of death, **OR**
- the Veteran was entitled to receive VA pension or compensation, but decided instead to receive his or her full military retirement or disability pay, **OR**

Disabilities determined by VA to be related to your military service can lead to monthly non-taxable compensation, enrollment in the VA health care system, a 10-point hiring preference for federal employment and other important benefits. Ask your VA representative or Veterans Service Organization representative about Disability Compensation, Pension, Health Care, Caregiver Program, Career Services, Educational Assistance, Home Loan Guaranty, Insurance and/or Dependents and Survivors' Benefits.



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- the Veteran died while hospitalized by VA, or while receiving care under VA contract at a non-VA facility, **OR**
- the Veteran died while traveling under proper authorization and at VA expense to or from a specified place for the purpose of examination, treatment or care, **OR**
- the Veteran had an original or reopened claim for VA compensation or pension pending at the time of death and would have been entitled to benefits from a date prior to the date of death, **OR**
- the Veteran died on or after October 9, 1996, while a patient at a VA–approved state nursing home.

HOW MUCH DOES VA PAY?

Service-Connected Death. If the Veteran died on or after September 11, 2001, the maximum service-connected burial allowance is \$2,000. If the Veteran died before September 11, 2001, the maximum service-connected burial allowance is \$1,500. If the Veteran is buried in a VA national cemetery, VA may reimburse some or all of the cost of transporting the deceased Veteran’s remains.

Non-Service-Connected Death

- If the Veteran died on or after October 1, 2014, VA will pay a \$300 burial allowance and \$745 for a plot.
- If the Veteran died on or after October 1, 2013, but before October 1, 2014, VA will pay a \$300 burial allowance and \$734 for a plot.
- If the Veteran died on or after October 1, 2012, but before October 1, 2013, VA will pay a \$300 burial allowance and \$722 for a plot.

Effective October 1, 2011, there are higher non-service-connected death rates payable if the Veteran was hospitalized by VA when he or she died. If the Veteran died on or after October 1, 2014, VA will pay a \$745 burial allowance and \$745 for a plot.

- If such a Veteran died on or after October 1, 2013, but before October 1, 2013, VA will pay a \$734 burial allowance and \$734 for a plot.
- If the Veteran died on or after October 1, 2012, but before October 1, 2013, VA will pay a \$722 burial allowance and \$722 for a plot.

If the death occurred while the Veteran was properly hospitalized by VA, or under VA contracted nursing home care, some or all of the costs for transporting the Veteran’s remains may be reimbursed.



Note: If the Veteran dies while traveling at VA expense for the purpose of examination, treatment or care, VA will pay burial, funeral, plot or interment allowances, and transportation expenses.

Unclaimed Remains. If a Veteran dies and their remains are unclaimed, the entity responsible for the burial of the Veteran would be entitled to a \$300 burial allowance. If the Veteran is buried in a VA national cemetery, VA may reimburse the cost of transporting the deceased Veteran's remains. VA may also reimburse for the cost of a plot.

HOW CAN YOU APPLY?

You can apply by filling out [VA Form 21P-530, Application for Burial Benefits](#). You should attach a copy of the Veteran's military discharge document (DD 214 or equivalent) and a death certificate. If you are claiming transportation expenses, please attach a receipt for the expenses paid.

You can call us toll-free within the U.S. by dialing 1-800-827-1000. If you are located in the local dialing area of a VA regional office, you can also call us by checking your local telephone directory. For the hearing impaired, our TDD number is 711.

You should mail your application to the VA regional office located in your state. You can obtain the mailing address for VA regional offices by accessing our [locations site](#). The address is also located in the government pages of your telephone book under "United States Government, Veterans."

RELATED BENEFITS

[VA National Cemetery Burials](#) / [Headstones, Markers and Medallions](#) / [Presidential Memorial Certificates](#) / [Burial Flags](#)

