

You First Episode 33: Services for Veterans with Disabilities

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Keith Casebonne: Welcome back to the You First podcast. I'm Keith Casebonne, and thanks for listening and subscribing. If you haven't yet subscribed, visit disabilityrightsflorida.org/podcast to find links to our show on Apple Podcasts, Spotify, and more, or just search for us on the platforms you prefer to use to find and listen to podcasts.

We'll be taking a break from the podcast for a few months but plan to come back with great new episodes and guests. If you subscribe, you'll be alerted when new episodes return. In the meantime, we'll publish some encore episodes that you might have missed along the way.

Our guests today are Jordan Kuveke-Guyton, a veteran's affairs accredited attorney with Chad Barr Law, and Ann Siegel, the Legal Director at Disability Rights Florida.

You might not be aware of a number of options available to you as a veteran with a disability. Not only are there benefits and discounts veterans can qualify for, but there are a number of services and rights protections that can provide veterans with a successful transition to civilian life. I'll turn it over to Jordan and Ann to tell you more.

Hi, Jordan and Ann. Thank you both so much for being our guest today. Jordan, I want to start off with you. Your law firm, Chad Barr Law, and other private law firms across the country can help veterans with disabilities attain a number of services and benefits. Tell us a little bit about some of that.

Jordan Kuveke-Guyton: There are a lot of benefits out there. They range from burial benefits to education, vocational rehab, but the two biggest ones I really wanted to focus on today with you all was what are known as VA disability benefits and VA pension benefits.

Before we even get into that, something that I think is important, not everyone wants to work with a lawyer. Sometimes they want to go and try it on their own. Every VA Medical Center, there is a designated benefit specialist. That person's job really is to help veterans find out what benefits they qualify. There's a laundry list of them. They may not even know it's out there that's there for you.

One thing I would encourage any veteran listening is next time you're at that VA Medical Center for your appointment, go and stop by the designated benefit office and see if there's anything they know about that maybe could help you because that's really all of our goals.

The two that I want to talk about today was the pension and the disability benefits. The first part is the VA pension program. Now that is a need-based benefit program, which pays veterans a monthly amount to assist them with general living expenses, not specific things, whatever they really need help with.

The amount that a veteran receives is going to vary though. The VA will look and see, "Do they have a spouse? Do they have dependents?" The range could be anywhere from \$15,000 a year, all the way up to \$29,000 a year.

In order to qualify for that pension, they have to meet certain requirements. When we're looking at the requirements, they can be a little bit confusing, but that's why you can call an attorney that does VA disability.

They should offer you a free consult. If someone's charging you to meet and get advice, call another lawyer. There are people out there that will help you for free and really give you free advice. In order to qualify for VA pension, you're looking at, first, the veteran cannot have received a dishonorable discharge. The second requirement is they have to have wartime service.

There's a couple different ways that they can qualify, and there's a list that they can get a look at and see based off their DD 214, "Do they meet this requirement?" The third is that their income, the veteran's income, and their dependent's income/net worth, must be less than \$138,489.

Sometimes people get a little bit confused specifically with that requirement because they're like, "Oh, I own a house, and no way I qualify." People's real property that they live in is exempt from that income determination.

It's just important that, really, look at your bank accounts, look at what your actual income is. If you're just getting Social Security, and you just have a bank account, you have really anything else going on and then you have your house, you probably qualify, believe it or not, under the income even if you live in a \$300,000 house.

Then the final requirement is you have to either be a certain age or have a disability of some type of severity. That is the element of qualifying that really varies the greatest between veterans because what everyone's health condition is going to differ depending on what's going on with them. That is the first program which is the VA pension that I mentioned earlier.

In order to apply for that, it's just one application. It's online. You can either fill out the paper copy if you don't like using a computer or you can do it directly through your E benefits portal if you're tech-savvy and you're good with computers. Some people are not. [laughs] It just depends. That's that part.

Now, the pension money is taxable income. If you get that, you're going to have to pay taxes, whereas VA disability compensation is non-tax income. You may not even have to file a tax return. I'm not a tax expert, so go ask the tax people that question. [laughs]

That's the big distinguisher between the two, except for disability compensation is based off of the fact that while the veterans served, they suffered some type of injury, whether that be tinnitus or tinnitus, however, you say it -- everyone says it differently, it's like tomato/tomato -- or that be that they have a back injury or it may be PTSD of some sort.

The VA is going to determine, "Did this happen while you were in service? Did service cause this?" If so, how severe is this disability?" Then depending on that severity, the VA then will pay them a monthly compensation.

Keith: Is this when you hear someone's 80 percent "disabled" or 120 percent disabled, even which never quite understood? Is that going to be referring to there?

Jordan: That is exactly what I'm talking about. You'll have those ratings. Sometimes people get frustrated, as you bring up the ratings. They'll be like, "I'm at 100 percent with regular math. Two plus two is supposed to equal two."

Keith: [laughs]

Jordan: I mean, two plus two is supposed to equal four.

Keith: You use the VA math. I understand.

Jordan: In VA worlds, two plus two sometimes only equals two. People get pretty frustrated with that, understandably. Something about the VA disability to also understand is there's two different levels of service connection. Let's use a hypothetical. Let's say that in service, you hurt your right knee.

Your service connects your right knee, and you're getting 10 percent every month for that knee. Medical science tells us, as you go through life, when one knee's messed up, the other knee eventually going to get messed up. If that happens, believe it or not, you can file for VA compensation for that left knee now.

Keith: Really?

Jordan: Yes, a lot of people don't. It is called a secondary service connection. What happens is, instead of just getting 10 percent every month, you now could get 20 percent if we can rate both knees, because their service connect them both, and they're be treated the same just as if they happened during service.

It's an interesting little fact that a lot of people don't know. If your service-connected disability causes you a bunch of other problems, apply for disability benefits for those secondary conditions.

Sometimes if you have PTSD causes nightmares for a lot of people or night terrors, depending on what you cause them. Some people develop insomnia. That's another secondary condition that you can apply to have the VA treat and get additional monthly money.

Keith: It's really worth thinking about this in a broader sense that maybe you would normally say, "I have A, B, and C," but really think about how it affects your life in other ways, and that you never know could actually be counted.

Jordan: Absolutely. Anytime I speak with a veteran at my office, I don't just ask them what conditions they think are related. I go through like, "What are all the health conditions that you have going on?" Because sometimes I know a connection between different conditions that maybe they don't know about it.

If that's where there's a benefit of meeting with any attorney, not just me, and talking to them, "Do you know anything, because maybe they have a little trick up their sleeve that you don't know about, and really your condition could be connected."

Keith: Make sense.

Jordan: In terms of compensation, what that can look like is anywhere from \$1,700 a year to \$40,000 a year. There's a variety of other increases and you take a bunch of things into consideration.

I do want to point out you can't receive VA pension and VA disability benefits. However, the VA will determine whichever one gives you more money each month is the one they'll pay you. You get to decide what's more advantageous.

We're thinking logically here. If you're getting the same money from VA pension as you're getting from VA disability, you don't pay taxes on VA disability. If you have to pick the VA disability, [inaudible 9:38] to save yourself.

Keith: You can apply for both and see what you would get from both and then make that decision.

Jordan: Yes. It's worth it. I spoke with someone recently and he was like, "I just don't want to go through all the hassle and so much work." Somebody said, "It was 35."

Let's say you just get 10 percent for the rest of your life. That's \$144 a month that you are owed, that we, as a country, owe you. Just try. If you do one time you don't want to do it again, that's OK, but get the benefits that you're entitled to you. You did all the sacrifices for us. The least we can do is make sure you get what you're owed.

Keith: Thanks, Jordan. That was really informative. I'll turn to you now, Ann. Disability Rights Florida is a course what's called the protection and advocacy agency. Any of them across the country and the territories of the United States can also provide a number of additional services to assist veterans with disabilities transitioning to civilian life. What are some of those areas?

Ann Siegel: We have multiple areas, as you stated. One of the issues that we see quite often with veterans coming to us for assistance is in getting back into the employment world.

Oftentimes, there's a multitude of issues. You can have a veteran who has a service animal. They may be concerned because they're getting some pushback about having a service animal, attend the workplace with them, and they need accommodations.

We can assist those veterans in receiving accommodations, getting into the interactive process with their employers, and working out the fine details. That's an issue. Oftentimes, we will see issues with just access in the community, just having a veteran trying to register at a hotel. They're denied access because of the service animal.

There's a myth about service animals. Everyone thinks they have to be wearing a vest that says that they're a service animal that there's some magical certification that individuals are going to

be carrying around like, "Yes, I'm walking around with my plaque that has my service animal certification on it. I bring it everywhere I go."

There's no requirement for a certification. There's no card that needs to be displayed. The dog can literally be trained by the individual. There is no requirement that you have to go to a certain service animal training programs ones available in our state, and they're all very good.

I've had individuals who've actually trained their own service animals. That is a question they're quite often asked. We need the papers from where your dog was certified. In the community, that is not a requirement.

The requirement is that you're an individual with a disability. The animal is specifically trained to provide a task for you, and that task isn't just companionship, which anyone like myself who is a absolute dog lover will tell you my dog provides me companionship, but that is not it. This dog needs to be specifically trained in order to provide a test.

We do have a lot of individuals who have access in the community whether they're, like I said, registering a hotel, just attending a park or beach. We've had numerous issues with that.

Housing, for example too, is an issue that comes up quite often. We have a housing department that's a very busy with accommodations in housing under the Fair Housing Act. That is another service that we provide for our veterans with disabilities. There are issues that could be disputes that goes simply for complaints of other individuals in the housing community and things like that.

Jordan: Ann, I just want to point something out for veterans. Is there are special housing benefits that either one option?

They can provide them additional money to actually remodel their home, to be more friendly towards their disability and be really what they need, or there is another benefit that gives them additional money so that they can buy a home that [inaudible 13:47] fit their disability benefit needs. It's just something they could apply for as well to help.

Ann: That's great. What program would that be through?

Jordan: That is through the VA directly. The specific name is Special Adapted Housing and Special Home Adaptation grants. It's like the SAH and SHA.

Keith: That's not confusing.

[laughter]

Jordan: If you go to the VA, if they go to the benefit person, just say, "I need this Special Housing grants." I want to talk to you about that.

Ann: That is a great program I did not know existed.

Jordan: It is. I love it. It helps a lot of people depending on what's going on.

Ann: It's almost like a one-stop-shop for veterans. At the VA, they can get assistance with housing issues. I know you mentioned the disability benefits.

Jordan: I know you were talking earlier about workplace stuff. I think you mentioned a couple minutes ago. Depending on their service connection disability, they actually can qualify for vocational rehab through the VA as well.

In addition with you all working, with you all getting that vocational rehab could also just help them to find a job, that really helps them and works to find them some career that allows them to be successful but also not be harmed in the process either.

Ann: There's quite a bit of employment programs that they can avail themselves through the VA that I was noticing for helping get training to for a new career, or they're looking at services to regain a position that they held prior to their service. That's great that they have those opportunities to get Vocational Rehabilitation and Employment Services through the VA.

Jordan: Absolutely. I've heard some success when I've talked to different people that have utilized it. I feel like I tell everyone, "It's always worth a shot. If you don't like it, you don't have to keep doing it, but give it a try."

Ann: Absolutely. I have a question for you when you're talking about benefits earlier that they can get disability through the veteran's program. They can also get through Social Security also.

Jordan: Yes. A lot of the time, if a veteran, let's say, is 100 percent disabled, really they should apply for Social Security disability as well. It's different standards. It's completely different branches or different departments of the government.

You may not be successful in both avenues. Again, if you are disabled and whine, there is a high probability you're probably going to qualify for disability with another. It's another avenue that's available to help you out and provide money for your family and your own well-being.

Ann: Definitely.

Keith: You both mentioned vocational rehabilitation. Do you know if a veteran with a disability can apply to the state vocational rehab services, or would they have to go through the VA version, or is there a benefit or reason to go with one of the other?

Ann: We would be eligible for either. There are third different programs specifically through the VA program that are not available through the state program, but if they did want to go through the state program, and they're obviously an individual with a disability, they would be eligible for those services also through.

We have our Client Assistance Program at Disability Rights, who can help them navigate from the eligibility process to learning what their rights and services are through there and getting an individual plan for employment.

Keith: Ann, what do you had to say about housing?

Ann: I would say under housing, everything falls under the Fair Housing Act. There are issues that sometimes arise because an individual with a disability...For instance, we've had issues where there have been problems, where neighbors have complained about disturbances, noises.

I know, as Jordan mentioned, sometimes there are night terrors, nightmares that happen, things like that with PTSD. There may be complaints that is an issue that can be worked through with the management company so that they take into account that the individual has a disability, and they can work through trying to find different methods to accommodate that issue.

Creatively thinking outside the box sometimes is a matter of just setting up soundproofing for somebody and things like that or there's been concerns again about service animals in property. Oftentimes, we get a lot of calls about, "Oh, we're no pet complex, and this individual service animal is not a pet." They shouldn't be charged a pet deposit, and it's just like that.

It would be looking at you have a need for service animals that dog is specifically trained to provide a task for you, and that dog would be allowed in the community as opposed to just somebody bringing fight or [inaudible 18:56] . That those are issues that often arise with the whole issue about new pets in condos and homeowners associations.

Keith: Thanks, both of you, Jordan and Ann, for your time today.

Thanks again to both Jordan Kuveke-Guyton and Ann Siegel for being my guest today. You can learn more about the services Jordan provides at protectingvets.com.

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