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In **AO73 - Proposed Rule - Net Worth, Asset Transfers, and Income Exclusions for Needs-Based Benefits** the VA references the **Intent of Congress** 6 times.

It appears the VA is taking the Intent of Congress from GAO-12-540 **Improvements Needed to Ensure Only Qualified Veterans and Survivors Receive Benefits** Published: May 15, 2012.  
Publicly Released: Jun 6, 2012.

However, what the GOA recommends was not nearly as broad as what is being proposed in this rule:

The GOA RECOMMENDS:

**Congress** (emphasis added) should consider establishing a look-back and penalty period for pension claimants who transfer assets for less than fair market value prior to applying, similar to other federally supported means-tested programs. VA should (1) request information about asset transfers and other assets and income sources on application forms, (2) verify financial information during the initial claims process, (3) strengthen coordination with VA's fiduciary program, and (4) provide clearer guidance to claims processors assessing claimants' eligibility. In its comments on this report, VA concurred with three of GAO's recommendations and concurred in principle with one, citing concerns about the potential burden on claimants and recipients of verifying reported financial information.

On Page 23 of GAO-12-540 **four** actions were recommended, **none of which indicated that the medical criteria used in the current Pension program should be modified to mirror the Medicaid requirements for Nursing Home care.** The proposed changes in medical requirements go well beyond the home and community based activities of daily living used by Medicaid and skip right to those required for Nursing Home eligibility.

In my opinion, this shows a callous disregard for the physical needs of elderly wartime veterans and their surviving spouses to live safely in the community and age in the least restrictive environment possible – in the parlance of elder care, community includes living at home, an independent living, an assisted living, care home or any required supportive living environment needed for the care and safety of the veteran prior to the need for nursing home placement. Medicare and Medicaid services are generally available in these community settings.

Since the Revolutionary War, the United States has paid some form of pension to needy veterans who served in wartime but were not disabled. Historically, congressional champions of U.S. veterans have adamantly insisted that the nation has a moral obligation to their wartime veterans ***that could not be equated with general welfare programs*** (emphasis added). In the

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words of Chalmers P. Wylie, R-Ohio House Veterans' Affairs Committee member “The federal government called these veterans to arms during a time of national crisis ... The federal government decided that they should be separated from their families, from their normal occupations, from their communities. The federal government sent many of them off into the unwanted misery of war, and it is the duty of this same federal government to care for them....”

Now, leaning on Medicaid as the safety net, and the Intent of Congress to put restrictions on asset transfers, this proposed rule seems to be constricting the benefit significantly by making it virtually impossible to ***medically*** qualify for the Pension benefit until the applicant is medically eligible for nursing home care.

Has Congress questioned the non-disability pension’s purpose to provide an income support programs that is ***not*** available to the non-wartime veteran population? If not, that how can the VA use the ***intent of Congress*** to eviscerate this program?

Given the price of Assisted Livings for those who need nursing home level care and the cost of Nursing Homes, our needy veterans will be eligible for the program for a matter of months before they are forced into Medicaid funded nursing home. Why shouldn’t someone who has dementia or is blind or cannot manage their medications or meal preparation due to physical or mental conditions be allowed to age in place in the least restrictive environment while continuing to receive the support this program has historically offered because others have transferred assets to qualify for the program? Why do they have to be punished?

How is this the intent of Congress?

Sincerely,

Patty Servaes