

THE CROSS-SECTION BETWEEN

Survivor's Benefits Plan,
VA Pension, and SNTs

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INTRODUCTION

- Veterans Benefits for the Surviving Spouse or Children with Special Needs of Deceased Veterans
- There is much confusion around the benefits a spouse or child with special needs can get from the Veterans Administration.
- The rules are just as varied as there are types of Veterans, yielding different benefits stemming from Retirees, Service-Connected Disabled Veterans, Veterans exposed to Agent Orange, and War Time Veterans.
- The goal of this discussion is to bring clarity around the available benefits, specifically related to Survivor's Benefit Pension and Special Needs Trusts and SSI and Medicaid.

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WHAT IS SURVIVOR BENEFIT PLAN?

SBP: A lifetime annuity sponsored and subsidized by the Department of Defense (not the VA) paid to eligible beneficiaries of deceased military retirees or servicemembers who died while on active duty.

The servicemember had to have made an election at the time of retirement to pay part of their retirement benefits each month as a premium so that certain individuals could have financial support after the Veteran's death.

SBP was established under Public Law 92-425, effective September 21, 1972.

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WHO IS ELIGIBLE?

- **(1) SURVIVING SPOUSE OR FORMER SPOUSE.—**
- The eligible surviving spouse or the eligible former spouse.

- 10 USC §1450

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WHO IS ELIGIBLE?

- **(2) SURVIVING CHILDREN.—**
- The surviving dependent children in equal shares, if the eligible surviving spouse or the eligible former spouse is dead, dies, or otherwise becomes ineligible under this section.

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