

Quick Reference Adjustment Chart

Law	Comp & All Pen (3.552)	Old Law Pen (3.551(b))	306 Pension (3.551(c))	Impr. Pension after 01-31-90 (3.551(e))	Impr. Pension & Medicaid Veteran and Widow (3.551(i)) (PL 101-508)	(3.351)
Reduction	A/A to HB	\$30 or 50% whichever is greater	\$50	\$90	\$90	Grant A/A based on: 1. Blind 2. Nursing Home 3. Rating
Effective Date	Reduce after 1 full calendar month - Reduce 1 st day of 2 nd month after date of admission	Reduce after 6 months – Reduce 1 st day of 7 th month after date of admission	Reduce after 2 full months of VA care – Reduce 1 st day of 3 rd month after date of admission	Prior to 02-01-90 see CFR 3.551(d). After 01-31-90 reduce to \$90 after 3 months in DOM, CNH, NHCU <u>Does not apply to hospital care</u>	Reduce later of the following dates: 1. Last day of month in which Medicaid coverage begins 2. At the end of 60 day due process 3. The earliest date on which payment may be reduced w/o creating overpayment	
Type Admission	Adm'd to VAMC, VA DOM, VANHC, CNH					
Dependents	Apply with or without dependents	No Dependents	No Dependents Footnote 3	No Dependents	No Dependents	
Footnotes	Footnote 1 & 2	Footnote 2	Footnote 2	Footnote 2		
Discharge Regular						

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Discharge Irregular	Readmitted W/l 6mo – Reduce eff the day preceding date of readmission	Readmitted W/l 6mo from date of previous admission – Reduce 1 st day of 7 th calendar month following month of original admission	N/A	N/A		
Readmission	Same unless prior discharge was irregular	Apply new 6 month period unless discharge was irregular	Within 6 months of prior 2 month reduction reduce to \$50 eff date of readmission	Within 6 months of prior 3 month reduction reduce to \$90 eff EOM of readmission	Reduce Same	
Temp Absence> 30 Days	No Adjustment	Restore date of reduction	Restore date of departure	Restore date of departure		
Temp Absence< 30 Days	No Adjustment	No Adjustment	No Adjustment	No Adjustment		
Rehab Adm	N/A	N/A	N/A	CFR 3.551(h)		

As of 1-23-23

Footnotes:

1. Does not apply to compensation cases if the Veteran has paraplegia involving paralysis of both lower extremities together with loss of anal & bladder sphincter control or Hansen’s Disease, unless the Veteran is in receipt of SMC at the R1 or R2 level.
2. Does not apply to pension cases if the Veteran has blindness (visual acuity of 5/200 or less) or concentric contraction of visual field to 5 degrees or less, paraplegia involving paralysis of both lower extremities together with loss of anal & bladder sphincter control, or Hansen’s Disease.
3. Does not apply if hospitalized for Hansen’s Disease

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4. If paid to a married Vet at the single rate any or all amt withheld in excess of \$50 may be apportioned for spouse CFR 3.454(b)

Definitions:

Notes: Due Process requires predetermination before taking away benefit. Due process does not require benefits be increased above evidence of record while development pending (i.e. discharged prior to award of A/A)

1. Private Pay - Pay A/A only through month of DSCHG, Develop for A/A on factual basis.
2. Vet DSCHG from NH at VA EXP Pay **HB** through end of month of DSCHG (subj to further reduction under 3.551)

Not covered in chart:

Hospitalization for Rehabilitation – See CFR 3.551(h)

For additional information on:

- pension reductions based on 38 CFR 3.551 and 38 CFR 3.556 see M21-1 X.iii.1.D - Adjusting Pension Under 38 CFR 3.551 and 3.556
- discontinuance of additional compensation or increased disability pension for aid and attendance see M21-1 X.iii.1.C.1.a - Regulatory Requirements of 38 CFR 3.552