



## BENEFITS ASSISTANCE SERVICE (BAS)

### INCARCERATED VETERANS

## CAN A VETERAN RECEIVE VA BENEFITS WHILE IN PRISON?

It is important justice-involved Veterans are familiar with VA benefits including what VA benefits they may still be eligible to receive, what happens to the benefits they are already receiving if they become incarcerated, and what program are available to assist them with reintegrating back into the community once released from incarceration. VA can pay certain benefits to Veterans who are incarcerated in a Federal, State, or local penal institution; however, the amount we can pay depends on the type of benefit and reason for incarceration. This fact sheet provides information about the benefits most commonly affected by imprisonment.

### HOW WILL IMPRISONMENT AFFECT VA BENEFITS?

Despite the circumstances, some justice-involved Veterans may be eligible for VA benefits (i.e.), disability compensation, disability pension, education and training, health care, home loans, insurance, vocational rehabilitation and employment, and burial.

### VA DISABILITY COMPENSATION

VA disability compensation payments are reduced if a Veteran is convicted of a felony and imprisoned for more than 60 days. Veterans rated 20 percent or more are limited to the 10 percent disability rate. For a Veteran whose disability rating is 10 percent, the payment is reduced by one-half. Once a Veteran is released from prison, compensation payments may be reinstated based upon the severity of the service connected disability(ies) at that time. Payments are not reduced for recipients participating in work release programs, residing in halfway houses (also known as "residential re-entry centers"), or under community control. The amount of any increased compensation awarded to an incarcerated Veteran that results from other than a statutory rate increase may be subject to reduction due to incarceration. Compensation benefits are not reduced if imprisoned for a misdemeanor.

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.



U.S. Department  
of Veterans Affairs

## **VA DISABILITY PENSION**

If you are imprisoned in a Federal, State, or local penal institution as the result of conviction of a felony or misdemeanor, your pension payment will be discontinued effective on the 61st day of imprisonment following conviction. Failure to notify VA of a Veteran's incarceration could result in the loss of all financial benefits until the overpayment is recovered.

## **EDUCATION BENEFITS**

Beneficiaries incarcerated for other than a felony can receive full monthly benefits, if otherwise entitled. Convicted felons residing in halfway houses (also known as "residential re-entry centers"), or participating in work-release programs also can receive full monthly benefits.

Claimants incarcerated for a felony conviction can be paid only the costs of tuition, fees, and necessary books, equipment, and supplies. VA cannot make payments for tuition, fees, books, equipment, or supplies if another Federal State or local program pays these costs in full.

## **APPORTIONMENT TO SPOUSE OR CHILDREN**

All or part of the compensation not paid to an incarcerated Veteran may be apportioned to the Veteran's spouse, child or children, and dependent parents on the basis of individual need. In determining individual need, consideration shall be given to such factors as the claimant's income and living expenses, the amount of compensation available to be apportioned, the needs and living expenses of other claimants as well as any special needs, if any, of all claimants.

## **ADDITIONAL INFORMATION ABOUT APPORTIONMENT:**

- VA will inform a Veteran whose benefits are subject to reduction of the right of the Veteran's dependents to an apportionment while the Veteran is incarcerated, and the conditions under which payments to the Veteran may be resumed upon release from incarceration.
- VA will also notify the dependents of their right to an apportionment if the VA is aware of their existence and can obtain their addresses.
- No apportionment may be made to or on behalf of any person who is incarcerated in a Federal, State, or local penal institution for conviction of a felony.
- An apportionment of an incarcerated Veteran's VA benefits is not granted automatically to the Veteran's dependents. The dependent(s) must file a claim for an apportionment.



## ARE YOU ELIGIBLE FOR VA MEDICAL CARE WHILE IMPRISONED?

Incarcerated Veterans do not forfeit their eligibility for medical care; however, current regulations restrict VA from providing hospital and outpatient care to an incarcerated Veteran who is an inmate in an institution of another government agency when that agency has a duty to give the care or services.

VA may provide care once the Veteran has been unconditionally released from the penal institution. Veterans interested in applying for enrollment into the VA healthcare system should contact the nearest VA healthcare facility upon their release.

## VA PROGRAM FOR JUSTICE-INVOLVED VETERANS

The Health Care for Re-entry Veterans (HCRV) Program is designed to help incarcerated Veterans successfully reintegrate back into the community after their release. A critical part of HCRV is providing information to Veterans while they are incarcerated, so they can plan to reentry themselves. A primary goal of the HCRV program is to prevent Veterans from becoming homeless once they are reintegrated back into the community.

## VETERANS JUSTICE OUTREACH (VJO) INITIATIVE

The VJO initiative is designed to help Veterans avoid unnecessary criminalization of mental illness and extended incarceration by ensuring eligible justice-involved Veterans receive timely access to VA health care, specifically mental health and substance use services (if clinically indicated) and other VA services and benefits as appropriate.

## WHEN WILL VA BENEFITS BE RESUMED?

Veterans may inform VA to have their benefits resumed within 30 days or less of their anticipated release date based on evidence from a parole board or other official prison source showing the Veteran's scheduled release date.

Your award for compensation or pension benefits shall be resumed the date of release from incarceration if the VA receives notice of release within one year following release. Depending on the type of disability, VA may schedule you for a medical examination to see if your disability has improved. You will need to visit or call your local VA regional office for assistance.

**Note:** *You are considered to have been released from incarceration if you are paroled or participating in a work release or half-way housing program.*