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## **Can a Veteran Receive VA Benefits while in Prison?**

### **Justice-Involved Veterans**

VA can pay certain benefits to Veterans who are incarcerated in a Federal, State, or local penal institution; however, the amount VA 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.

#### **What benefits are affected?**

Justice-involved Veterans may be eligible for VA benefits, such as disability compensation, disability pension, education and training, health care, home loans, insurance, vocational rehabilitation and employment, and burial.

#### **VA Disability Compensation Benefits**

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 may be subject to reduction due to incarceration.

- Compensation benefits are not reduced, if imprisoned for a misdemeanor.

### **VA Disability Pension Benefits**

VA pension payments are discontinued, if a beneficiary is convicted of a felony or misdemeanor effective the 61st day of imprisonment in a Federal, State, or local penal institution. VA strongly encourages Veterans to notify VBA if they become incarcerated to ensure benefits are reduced or discontinued if necessary to avoid any possible overpayments.

### **VA 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 disability 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, VA will consider factors including the:

- Claimant's income and living expenses,
- Amount of compensation available to be apportioned,
- 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 that benefits not payable due to incarceration may be apportioned to his/her dependent(s) and how his/her dependent(s) may apply for an apportionment.

- 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.
- Dependents who are incarcerated in a Federal, State, or local penal institution for conviction of a felony are not eligible for apportionment.
- 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 Veterans 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. This does not apply to Veterans who are released from a prison or jail into a temporary housing program (such as a community residential re-entry center or halfway house).
- VA may provide care once the Veteran has been 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 Programs for Justice-Involved Veterans**

### **Health Care for Re-entry Veterans Program**

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 for reentry themselves. A primary goal of the HCRV program is to prevent Veterans from becoming homeless once they are reintegrated back into the community.

> For more information, visit <https://www.va.gov/homeless/reentry.asp>.

### **Veterans Justice Outreach Program**

The Veterans Justice Outreach (VJO) program 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.

> For more information, visit <https://www.va.gov/homeless/vjo.asp>.

#### **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.
- A beneficiaries' 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, otherwise it will be the date the VA receives notice. Depending on the type of disability, VA may schedule a medical examination to see if the disability has improved. Beneficiaries may visit their local VA regional benefits office for assistance at [www.benefits.va.gov/benefits/offices.asp](http://www.benefits.va.gov/benefits/offices.asp) or call 1-800-827-1000.

**Note:** *VA considers a beneficiary to have been released from incarceration, if paroled or participating in a work release or half-way housing.*

For specific benefit information, visit the following websites:

- Disability compensation benefits: [www.benefits.va.gov/compensation/index.asp](http://www.benefits.va.gov/compensation/index.asp)
- Pension benefits: [www.benefits.va.gov/pension/index.asp](http://www.benefits.va.gov/pension/index.asp)
- Education benefits: [www.benefits.va.gov/gibill](http://www.benefits.va.gov/gibill)
- Life insurance benefits: [www.benefits.va.gov/insurance/index.asp](http://www.benefits.va.gov/insurance/index.asp)
- Home loan benefits: [www.benefits.va.gov/homeloans/index.asp](http://www.benefits.va.gov/homeloans/index.asp)
- Veteran readiness and employment benefits: [www.benefits.va.gov/vocrehab/index.asp](http://www.benefits.va.gov/vocrehab/index.asp)

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