

461-145-0580
Veterans' Benefits

Effective 10-01-18

- (1) Veterans' benefits, other than the educational and training and rehabilitation program benefits, are treated as follows:
 - (a) Except as specified in sections (2), (5), and (6) of this rule, monthly payments are counted as unearned income.
 - (b) Other payments are counted as periodic or lump-sum income (see OAR [461-140-0110](#) and [461-140-0120](#)).
- (2) Aid-and-attendance and housebound payments are treated as follows:
 - (a) For OSIP and OSIPM clients receiving long-term care or *home and community-based care* (see OAR [461-001-0030](#)):
 - (A) When determining eligibility, aid-and-attendance and housebound benefit payments are excluded.
 - (B) When calculating monthly service benefits or patient liability, the entire veterans' aid-and-attendance and housebound benefit payment is counted as unearned income.
 - (C) Payments for services not covered by the Department's programs are excluded.
 - (D) If the client receives a payment covering a previous period of eligibility, the client is required to turn over to the Department the full amount of the payment up to the cost of institutional and *home and community-based care* provided to the client during the months covered by the payment. A client's failure to reimburse the Department in this instance constitutes an overpayment of public assistance in accordance with OAR [461-195-0501](#) and [461-195-0521](#) and ORS 411.640 and 411.690. Any excess veterans' benefit payment made to the client is counted as lump-sum or periodic income.

- (b) For all other clients not covered under subsection (a) of this section:
 - (A) In the SNAP program, aid-and-attendance payments used to pay for an attendant are treated as a reimbursement and excluded (see OAR [461-145-0440](#)). The remaining benefits, if any, are counted as unearned income.
 - (B) In the OSIPM and QMB programs, the aid-and-attendance and housebound payments are excluded. Any remaining veterans' benefits are counted as unearned income unless excluded under another rule or another section of this rule.
 - (C) Reimbursements paid to the client for costs and services already paid for by the Department are third-party resources and may be recovered from the client as an overpayment of public assistance pursuant to OAR [461-195-0501](#), [461-195-0521](#), and [461-195-0551](#). Any unrecovered third-party resource or payment above the actual cost is counted as lump-sum or periodic income (see OAR [461-140-0110](#) and [461-140-0120](#)).
- (3) Educational benefits from the United States Veterans Administration are treated in accordance with OAR [461-145-0150](#).
- (4) A subsistence allowance from a training and rehabilitation program of the United States Veterans Administration is treated ---
 - (a) In the SNAP program, as earned income (see OAR [461-145-0130](#)).
 - (b) In all other programs, as unearned income.
- (5) The following payments are excluded:
 - (a) Payments under 38 USC 1805 to biological children of Vietnam veterans who are born with spina bifida.

- (b) Payments under 38 USC 1815 to children with birth defects born to female Vietnam veterans.
- (6) In the OSIPM and QMB programs:
 - (a) Payments made as part of a Veterans Administration vocational rehabilitation are excluded.
 - (b) Medal of Honor pension payments are excluded.

Statutory/Other Authority: ORS [329A.500](#), [411.060](#), [411.404](#), [411.816](#), [412.014](#), [412.049](#), [413.085](#), [414.685](#)

Statutes/Other Implemented: ORS [329A.500](#), [411.060](#), [411.404](#), [411.620](#), [411.640](#), [411.690](#), [411.700](#), [411.816](#), [412.014](#), [412.049](#)

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