



THE AMERICAN LEGION

# POST SERVICE OFFICER GUIDE





## **Background**

The American Legion's post service officer (PSO) is a volunteer position within an individual post. A PSO serves as a link between the veteran or dependent and a representative holding American Legion accreditation. An effective PSO understands benefits afforded to veterans and dependents; however, the PSO is not authorized to file any claims on behalf of the claimant. PSOs serve as valuable resources to veterans in local posts to ensure that our veterans and their dependents receive their earned benefits. The American Legion has created this guide to assist PSOs in their duties.

## **Points of contact**

Each PSO should have readily available the contact information for various resources in their local area that could be beneficial to veterans and their dependents. These resources can include, but are not limited to:

- American Legion department service officer (DSO)
- County/local representatives with American Legion accreditation
- Agencies for senior citizens
- State and local nursing homes
- Homeless shelters
- State and national cemeteries
- Department of Veterans Affairs contact information, including phone numbers and website addresses

Dependent upon location, state and municipal governments may provide benefits to disabled veterans; PSOs should contact DSOs and/or local accredited representatives to gather information that could be provided through state government programs.

## **Disability benefits**

The U.S. Department of Veterans Affairs (VA) disability benefits program was established to provide tax-free compensation for veterans suffering from chronic medical conditions determined to have been related to service in the armed forces. Disability ratings are wide-ranging and are assigned based upon the severity of the condition. The American Legion has over 2,500 accredited representatives nationwide who have been trained to assist veterans to navigate the disability claims process.

The different types of claims that a veteran or family member may seek assistance with are:

- Direct service connection – a condition that is determined to have been directly the result of an incident/injury in service.
- Secondary service connection – a condition that is determined to have been caused by a previously service-connected condition.
- Aggravated service connection – a condition that is determined to have been exacerbated by a previously service-connected condition.
- Presumptive service connection – a condition that is assumed to have been caused by the nature of service, such as conditions associated with Agent Orange/herbicide exposure.
- Condition caused by VA treatment – a condition that was caused by “direct result of VA fault such as carelessness, negligence, lack of proper skill, or error in judgment, OR not a reasonably expected result or complication of the VA care or treatment, OR the direct result of participation in a VA Vocational Rehabilitation and Employment, or compensated work therapy program.”<sup>1</sup>

The disability claims process can be complicated. Veterans and their dependents contacting PSOs should be referred to the local accredited representatives for assistance in their pursuit of their disability benefits. A PSO is a vital first contact for veterans. Never predict or suggest that a claimant has a successful case.

## **Pension benefits**

VA pension is a tax-free benefit provided for war-time veterans and surviving spouses with annual earnings below an income threshold. The benefit is provided to individuals suffering financial hardship with low net worth.

Veterans seeking VA pension benefits must meet the following criteria:

A veteran must have at least 90 days of active-duty service, with at least one day during a wartime period, to qualify for a VA pension. If a veteran entered active duty after Sept. 7, 1980, generally service of at least 24 months or the full period of activation, with at least one day during a war-time period, is needed.

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<sup>1</sup> <http://www.benefits.va.gov/COMPENSATION/claims-special-1151.asp>

In addition to meeting minimum service requirements, the veteran must be:

- Age 65 or older, OR
- Totally and permanently disabled, OR
- A patient in a nursing home receiving skilled nursing care, OR
- Receiving Social Security Disability Insurance, OR
- Receiving Supplemental Security Income

Annual family income must be less than the amount set by Congress to qualify for the Veterans Pension benefit<sup>2</sup>.

## Surviving spouses

Spouses of deceased veterans may also be entitled to VA compensation through Dependency and Indemnity Compensation (DIC). To qualify for DIC benefits, the surviving spouse must meet specific criteria. The surviving spouse was:

- Married to a servicemember who died on active duty, active duty for training, or inactive duty training, OR
- Validly married the veteran before Jan. 1, 1957, OR
- Married the veteran within 15 years of discharge from the period of military service in which the disease or injury that caused the veteran's death began or was aggravated, OR
- Was married to the veteran for at least one year, OR
- Had a child with the veteran, AND
- Cohabited with the veteran continuously until the veteran's death or, if separated, was not at fault for the separation, AND
- Not currently remarried

Note: A surviving spouse who remarries on or after Dec. 16, 2003, and on or after attaining age 57, is entitled to continue to receive DIC<sup>3</sup>.

Surviving spouses may also be qualified for pension. Similar to pension benefits for veterans, surviving spouse pension is income based and is related to the deceased veteran's service. Qualifications for pensions for surviving spouses are:

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<sup>2</sup> <http://www.benefits.va.gov/PENSION/vetpen.asp>

<sup>3</sup> [http://www.benefits.va.gov/COMPENSATION/types-dependency\\_and\\_indemnity.asp](http://www.benefits.va.gov/COMPENSATION/types-dependency_and_indemnity.asp)

The deceased veteran must have met the following service requirements:

- For service on or before Sept. 7, 1980, the veteran must have served at least 90 days of active military service, with at least one day during a war-time period.
- If he or she entered active duty after Sept. 7, 1980, generally he or she must have served at least 24 months or the full period for which called or ordered to active duty, with at least one day during a war time period.
- Was discharged from service under other than dishonorable conditions.

Survivors Pension is also based on yearly family income, which must be less than the amount set by Congress to qualify. While a non-remarried spouse is eligible at any age, a child of a deceased war-time veteran must be:

- Under age 18, OR
- Under age 23 if attending a VA-approved school, OR
- Permanently incapable of self-support due to a disability before age 18<sup>4</sup>

## **Relationship with the DSO**

Veterans' claims are adjudicated at a VA regional office (VARO); these offices are located throughout the nation. The American Legion has DSOs located at each VARO dedicated to effectively advocating for veterans and their family members. To provide greater assistance to veterans, it is incumbent upon the PSO to develop a strong working relationship with the DSO to ensure the highest quality service.

Though the DSO cannot discuss specifics regarding each veteran's claim, the DSO can provide the following information that will be helpful to the veteran and allow the PSO to provide a higher level of assistance:

- Reception of information pertinent to claim (forms, letters, etc.).
- Remind the veteran of upcoming appointments.
- Provide/locate transportation for veterans requiring services.

PSOs are encouraged to maintain a record of veterans seeking the DSOs assistance. Through maintaining the record, a tracking of services can be provided. The gath-

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<sup>4</sup> <http://benefits.va.gov/pension/spousepen.asp>

ering of this information can be of assistance to both each department and national headquarters. As The American Legion is conducting an increasing number of outreach events to assist our nation's veterans, information gathered by PSOs are critical to determine the locations of various outreach events.

While The American Legion does not require membership to assist veterans, we do encourage PSOs and DSOs to have information available to inquiring veterans. Many veterans are unaware of the services The American Legion provides; upon working with dedicated PSOs and DSOs, many ask questions pertaining to membership. The American Legion is only as strong as its membership and volunteers; as a result, we encourage our service officers to have the information readily available and welcome them to the organization.

## **Conclusion**

The American Legion appreciates the dedication of PSOs and their willingness to assist with veterans and their dependents. It is through the dedication of volunteers that we can not only assist the 2.4 million members that comprise this organization, but the 21 million veterans and their families nationwide.

Further questions pertaining to PSOs can be addressed through contacting your local DSO. Contact information for DSOs can be located at ***legion.org/serviceofficers***.

Again, thank you for continuing to service this organization and nature. It is the service that you provided in uniform and as a veteran that serves as pillars to your community and this nation.



# THE AMERICAN LEGION

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