

## Can a Veteran Receive VA Benefits While in Prison?

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 Your Imprisonment Effect the Payment of:

### ***VA Disability Compensation?***

Your monthly payment will be *reduced* beginning with the 61<sup>st</sup> day of your imprisonment for a *felony*. If your payment before you went to prison was greater than the 10% rate, your new payment amount will be at the 10% rate. If you were getting the 10% rate before you were imprisoned, your new payment will be half the 10% rate. Compensation benefits are not reduced if imprisoned for a *misdemeanor*.

### ***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*, such pension payment will be *discontinued* effective on the 61<sup>st</sup> day of imprisonment following conviction.

## 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 health care system should contact the nearest VA health care facility upon their release.

## Can Your Dependent(s) Receive Any of the Money Not Paid While You Are Imprisoned?

VA can take all or part of the benefits you are not receiving and apportion it to your spouse, child or children, and dependent parents on the basis of individual need. They should contact the nearest VA regional office for details on how to apply. They will be asked to provide income information as part of the application process.

## When Will Benefits Be Resumed?

Your award for compensation or pension benefits shall be resumed the date of release from incarceration if the Department of Veterans Affairs receives notice of release within 1 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 house program.*

**For More Information, Call Toll-Free 1-800-827-1000  
or Visit Our Web Site at <http://www.va.gov>.**