

VETERANS LAW

Program of Comprehensive Assistance for Family Caregivers



“To fulfill President Lincoln's promise to care for those who have served in our nation's military and for their families, caregivers, and survivors.”



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VA Benefits for Family Caregivers

- **Program of Comprehensive Assistance for Family Caregivers (PCAFC)**
 - Part of VA's Caregiver Support Program
 - Enacted in 2010 to provide benefits to caregivers of post-9/11 disabled Veterans with serious injuries
 - Eligibility expanded by 2018 Mission Act
 - As of 10/1/2020: Vets discharged on or after 5/7/1975
 - As of 10/1/2022: **All Veterans are eligible**
 - On 1 Oct 20, VA implemented new regulations defining eligibility and implementing the program



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VA Benefits for Family Caregivers

- **Program of Comprehensive Assistance for Family Caregivers (PCAFC)**
 - July 2020 - Regulations overhauled eligibility – creating a “legacy participant” category
 - Those enrolled in the program prior to July 2020 (“legacy participants”) had stipends calculated in three tiers using the clinical rating system set forth in the VA’s Regulations (38 CFR 71.40(c)(4))



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VA Benefits for Family Caregivers

- **Prior to July 2020** (“legacy participants”) - stipends calculated in three tiers using the clinical rating system set forth in the VA’s Regulations (38 CFR 71.40(c)(4))
- Based on Bureau of Labor Statistics’ hourly wage of home health aides in the 75th percentile for the veteran's geographical area, multiplied by the Consumer Price Index
- Tier 1: Multiplied by .25 // Tier 2: Multiplied by .625 // Tier 3 (highest): Multiplied by 1



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VA Benefits for Family Caregivers

- VA granted a one-year transition period (until Oct 2021) where all legacy participants remained eligible while VA reassessed eligibility using the new criteria
- Lots of problems! – Huge number of participants received notice they would no longer be eligible of the program, and a federal Court invalidated part of the new regulation
- VA extended the transition period to 5 years, **ending on 1 October 2025**



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VA Benefits for Family Caregivers

- On 29 September 2025, VA amended 38 CFR § 71.40 to provide an **additional three-year extension** to the transition period for the legacy cohort
- Continued eligibility now ends on **30 September 2028**



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VA Benefits for Family Caregivers

- **September 2025 Changes:**

- **Expanded Eligibility:** A broader definition of serious injury
- **Telehealth Flexibility:** VA seeks to offer telehealth home visits during certain types of emergencies
- **Extended Delay in Discharges Based on Reassessments:** Delays discharges based on eligibility reassessments for legacy participants, legacy applicants, and their Family Caregivers for an additional 18 months after the effective date of a final rule. The delay is currently slated to expire on 1 Oct 25
- **Fewer Reassessments:** VA would reassess eligibility less frequently, lowering the burden for Veterans and their families
- **Eligibility Clarification:** New criteria would expand and clarify the bases on which a Veteran may be determined in need of personal care services for six continuous months



VA Benefits for Family Caregivers – 2020 and Beyond

Eligible Veterans:

- The Veteran has a VA disability rating (individual or combined) of **70% or higher**, and
- The Veteran was discharged from the U.S. military or has a date of medical discharge, and
- The Veteran must be enrolled in VA health care, and
- The Veteran needs at least 6 months of continuous, **in-person personal care services (VHA subjectivity)**



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VA Benefits for Family Caregivers

In-person “personal care services” –

- Health and well-being;
- Everyday personal needs (feeding, bathing, and dressing, eating, bathroom);
- Safety, protection, or instruction in their daily living environment





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VA Benefits for Family Caregivers

Eligible Caregivers:

- Must be at least 18 years old and
- Must be a **family member** – spouse, son ,daughter, stepfamily member, or extended family (uncle, aunt) or
- **Lives full-time with the Veteran** or willing to live full-time with the Veteran if appointed

- Primary Caregivers (1) + Secondary Caregivers (2)



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VA Benefits for Family Caregivers

Caregivers Benefits:

- Caregiver education and training; (P + S)
- Mental health counseling; (P + S)
- Travel benefits when traveling with the Veteran to receive care; (P + S)
- Free legal and financial advice related to the needs of the injured Veteran; (P)
- Access to military commissaries, exchanges, and recreation retail facilities; (P)



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VA Benefits for Family Caregivers

Caregivers Benefits Continued:

- Health care benefits through the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA) (38 U.S.C. § 1781), unless they are entitled to care or services under a health-plan contract, as defined in 38 U.S.C. § 1725(f)
- Primary caregivers only





VA Benefits for Family Caregivers

Caregivers Benefits Continued:

- **Primary caregivers** receive a monthly stipend for each prior month's participation as a primary family caregiver
 - Effective 1 Oct 20, caregiver benefits are based on the "level" of care, as determined by VHA
 - **Level Two (Higher)** (Veteran is unable to self-sustain in the community) - **100 percent of GS-4, Step 1**
 - Otherwise, **Level One (Lower)** (veteran needs general supervision) is **62.5% of GS-4, Step 1**. Both include locality pay



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VA Benefits for Family Caregivers

Primary Caregivers Stipend -

- Based on the **Detroit/Warren/Ann Arbor** locality table, GS-4, Step 1 = **\$40,160.00** per year (as of January 2026)
 - Level Two: $\$40,160 / 12 = \3346 per month
 - Level One: $\$25,100 / 12 = \2091 per month
- **Rest of Michigan**
 - GS-4, Step 1 = **\$36,409.00** per year (as of January 2026)
 - Level Two: $\$36,409 / 12 = \3034 per month
 - Level One: $\$22,755 / 12 = \1896 per month



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VA Benefits for Family Caregivers

- **Application Process:**

- Caregiver and Veteran must apply jointly and participate in the application process together
- Online: [Apply For The Program Of Comprehensive Assistance For Family Caregivers | Veterans Affairs](#)
- By Mail: Complete a VA Form 10-10CG and mail to:
10-10CG Evidence Intake Center
PO Box 5154
Janesville, WI 53547-5154
- In-Person: Bring completed Form 10-10CG to...



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VA Benefits for Family Caregivers

Michigan

Caregiver Support Teams

[Oscar G. Johnson VA Medical Center](#)

325 East H Street
Iron Mountain, MI 49801

906-774-3300 ext. 32705

[John D. Dingell VA Medical Center](#)

4646 John R Street
Detroit, MI 48201

313-576-1069

[Aleda E. Lutz VA Medical Center](#)

1500 Weiss Street
Saginaw, MI 48602

989-321-4865

[Battle Creek VA Medical Center](#)

5500 Armstrong Road
Battle Creek, MI 49037

269-223-6517

[VA Ann Arbor Health Care System](#)

2215 Fuller Road
Ann Arbor, MI 48105

734-222-7101



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VA Benefits for Family Caregivers

- Many participants could lose benefits on **1 Oct 2028**
 - Must build the claim using the “new” (2020 and 2025) criteria
- In Practice:
 - How do you identify the legacy participants in your state/county?
 - How do you notify them of the changes?
 - How do you assist them to become eligible using the new criteria?



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VA Benefits for Family Caregivers

- VHA Clinical Appeal – applicants can seek **VHA clinical appeal** prior to pursuing VBA appeal
- Appeals under the AMA go to VHA for adjudication
 - Higher Level Review
 - Supplemental Claim
- BVA and CAVC



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VA Benefits for Family Caregivers

Appeals – *Beaudette v. McDonough* (CAVC 2021)

- Upheld by the US Court of Appeals for the Federal Circuit - 2024
 - Right to appeal adverse VHA caregiver decisions to the BVA and CAVC
 - VA failed to provide notice of appeal rights
 - No deadline to appeal – NVLSP can help your veteran/family member
 - For decisions issued before 19 Feb 19, applicants can appeal directly to the BVA (**no** HLR / Supplemental Claim)
 - Decisions issued on or after 19 Feb 19 can be appealed to the BVA, or applicants can submit a Supplemental Claim / HLR



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VA Benefits for Family Caregivers

- VHA failed to provide notice of appeal rights when they denied eligibility
 - As such, **no deadline to appeal**
 - For decisions issued before the AMA (19 Feb 19), applicants should appeal **directly to the BVA** (no HLR / Supplemental Claim)
 - Decisions issued on or after 19 Feb 19 can be appealed to the BVA, **and/or** applicants can submit a Supplemental Claim / HLR to VHA



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VA Benefits for Family Caregivers

- **Issue:** The Board of Veterans Appeals has been refusing to address the merits of PCAFC denials when the veteran seeking care passes away before the Board issues its decision
 - BVA makes no eligibility decision, denying retroactive benefits to the Veteran's survivors
- *Bolton-Pellerin v. Collins* (Filed 11 August 2025)
 - NVLSP and a private law firm have filed a **class action** to challenge this practice



Where to Go for Help: Email a Friend

- For VSO Consultations email: vsoliation@nvlsp.org
- For Caregiver Benefits Assistance email: CaregiverSupportProgram@nvlsp.org



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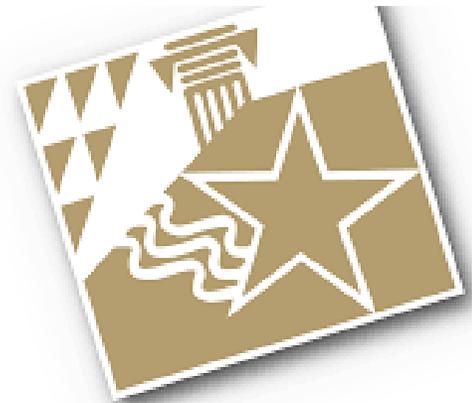
Questions





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Discussion & Questions