

VA DISABILITY COMPENSATION SENTENCING
DIRECT EXAM

Q: when did you enlist in the Army?

I'm showing you (DD214) what has been marked as X.

What is this document?

Do you recognize this document?

Does it appear to be an accurate copy of the document you received upon your discharge from the Army?

Your honor, we move for the document to be admitted into evidence.

Q: Mr. CLIENT, after your military retirement, did the VA grant you service-connected disabilities? Yes

Q: What is your combined VA Disability Rating? 100% disabled

Q: What was the effective date of your 100% VA Disability Rating?
DATE

Q: How much is your VA Disability compensation per month?
\$XXXX OR AMOUNT FOR XXXX YEAR

I'm handing you a document (VA Service Connected Disability Rating Letter) on Department of Veterans Affairs letterhead?

Do you recognize this document?

Does it appear to be an accurate copy of the document you received from the VA regarding your disability rating?

Your honor, we move for the document to be admitted into evidence.

Q: Mr. CLIENT, in preparing for this sentencing hearing today, did you check with the VA to determine what would happen to your VA Disability Compensation if you were incarcerated? Yes

Q: Were you provided a fact sheet from the VA website regarding VA Benefits while in prison? Yes

I'm handing you a document entitled "Can a Veteran Receive VA Benefits While in Prison?"

Do you recognize this document?

Does it appear to be an accurate fact sheet from the VA that was printed off of the VA website?

Q: According to the VA Fact sheet, what happens to your VA disability compensation if you are incarcerated for more than 60 days?

Since I am 100% disabled my rating will reduce to 10% rate.

Your honor, we move for the document to be admitted into evidence.

Q: So, Mr. CLIENT, if you were incarcerated for more than 60 days, your VA disability rate would be reduced from 100% to 10% correct?

Q: Did you go to the VA website to determine what you would be paid at 10%? Yes

I'm handing you a document entitled "Veterans Compensation Benefits Tables – Effective 12/1/17.

Do you recognize this document?

Does it appear to be an accurate benefits table from the VA that was printed off of the VA website? Yes

Q: Mr. CLIENT, if you were paid at 10% disability rating due to be incarcerated for over 60 days, what rate would you be paid at? \$136.24

Q: That is a difference of \$3,054 per month to what you are currently receiving, isn't it?

Loss of VA Disability Benefits:

Current VA disability rate 100% at \$3190.37 per month (2018 figures)
If paid at 10% rate it would be \$136.24 per month

One year: $10 \times \$3,054 = \$30,540$

Two years: $22 \times \$3,054 = \$67,188$

Three years: $34 \times \$3,054 = \$103,836$

Four years: $46 \times \$3,054 = \$140,484$

Five years: $58 \times \$3,054 = \$177,132$

Six years: $70 \times \$3,054 = \$213,780$

Seven years: $82 \times \$3,054 = \$250,428$

Eight years: $94 \times \$3,054 = \$287,076$

Nine years: $106 \times \$3,054 = \$323,724$

Ten years: $118 \times \$3,054 = \$360,372$