



War Pension Factsheet

May 2010

Are you suffering from an injury or illness caused through military service in peace or war that began before 6 April 2005? *Civilians can also claim if injured or made ill by war that began before 6 April 2005.*

You may be able to get **War Pension**

This is paid by the Department for Work and Pensions to people injured or made ill by the effects of war or military service. The injury or illness can be through peace time or military service. If your injury or illness has been caused by military service (war or peace time) you should claim a war pension instead of INDUSTRIAL DISABLEMENT INJURIES BENEFIT.

Asbestos related illness through Military Service

If you are suffering from an asbestos related illness through military service (war or peace time) you should claim a **war pension**. If your service was on board a ship and prior to 1971, exposure to asbestos will be automatically accepted.

Civilian War Pension

This is paid by the Department for Work and Pensions to civilians who have suffered injury or an illness because of war time activity, for example, bomb explosions, breathing dust or gas. Seek advice, particularly if the injury or illness was caused in another country.

How to Claim

It is advisable to claim either of the above by calling the War Pensions Helpline on **freephone 0800 169 2277**

Or By seeking help from your local branch of the British Legion

Or Directly from the **local War Pensions Welfare Office** (this number is in the BT telephone directory under War Pensions)

See "Useful Contacts" for the address and telephone number of the National War Pensions Agency.

Savings and Income Support

The Benefit Office does not take into account any savings when assessing you for these Pensions. However, your INCOME SUPPORT and HOUSING/COUNCIL TAX BENEFIT may be reduced.

Can War pension be paid on top of other Benefits?

Yes, it can be paid on top of the following:

- Incapacity Benefit
- Retirement Pension
- Carer's Allowance
- Widow/ Bereavement Benefits
- Disability Living Allowance (unless you are getting a War Pensions Motability Supplement or Constant Attendance Allowance at a rate higher than the highest rate of DLA (Care))
- Attendance Allowance (unless as above)

In the case of Industrial Injuries Disablement Benefit

- You will be able to receive a war pension on top if the Industrial Injuries Benefit is not paid for the same illness or injury.
- If you are awarded a MOD pension and are also awarded/assessed for Industrial Injuries Disablement Benefit and also received a 1979 Act payment the SPVA will not decrease the pension or allowances.
- If you have developed Mesothelioma because of exposure to asbestos dust during military service you will get War Pension.
- If you have developed Mesothelioma because of exposure to asbestos through course of employment outside of military service you will get an Industrial Injuries Disablement Benefit. This will be paid on top of a War Pension for another illness or injury such as hearing difficulties, gulf war syndrome or some other physical or mental injury.

Do you have walking difficulties and care needs that result directly from your war/military injury or illness?

Walking Difficulties

You may be able to get the **War Pensioner's Mobility Supplement** if your walking difficulties are due to the effects of war or military service and your disability has been assessed as at least 40%.

You **will not** be able to get it at the same time as DISABILITY LIVING ALLOWANCE (MOBILITY) but it is worth claiming since the mobility supplement pays at a higher rate and there is no upper age limit so you can claim after age 65. If you qualify for both you will be paid the higher rate.

Care Needs

You may be able to get CONSTANT ATTENDANCE ALLOWANCE if your care needs are due to the effects of a war injury/illness or military service injury/illness and your disability has been assessed at 80%. You will not be able to get it on top of any **Disability Living/Attendance Allowance** but it may be worth claiming since it is paid at 4 rates and the 2 higher rates pay more than the highest rates of **Disability Living/Attendance Allowance**. You may also be able to claim a **Clothing and Treatment Allowance**.

Backdating

If you are late claiming you may be able to get any of these Allowances **backdated for up to 3 months**.

How to Challenge a Benefit Office Decision?

If the DWP has

- Refused all payment of a War Pension or any of the other Allowances
- Given you a reduced entitlement
- Awarded for only a limited time

You can **appeal to a Tribunal**. YOU MUST DO SO WITHIN ONE MONTH OF THE DATE OF THE LETTER CONTAINING THE DECISION. Please see the Appeals Factsheet. You should also get help from your **Local Advice Centre with writing the Appeal and with representation at the Tribunal Hearing**.

Are you suffering from an injury or illness caused by military service in peace or war that began after 6 April 2005?

You may be able to get Armed Forces Compensation (under a new) Scheme (AFCS). The AFCS covers all regular, reserve service personnel whose injury, ill health or death is caused by service on or after 6 April 2005.

There are two types of payment:-

Lump Sum Payment

It is taxable when awarded for in-service claims and when awarded post service. The value is determined by a Tariff level but should be the highest.

Guaranteed Income Payment

This is paid where there is a loss of earnings capacity which will be for people who have developed Mesothelioma under the age of 65/70.

Time Limits

A claim under the Armed Forces Compensation Scheme must be made within 5 years from the illness.

How to Claim

Contact the Veterans' Agency on 0800 169 2277 or if phoning from overseas + 44 2 53 866043 or www.veteransagency.mod.uk for more information and the relevant claim forms. Send in a factual report from a Macmillan nurse with the form.

What to do if you disagree with the Decision

There should be no dispute about your condition but if you are unhappy with the decision we suggest you do the following:-

- Contact your Macmillan nurse or legal advisor, if you have one, to express your concern
- Contact the British Legion
- Write a letter to the Veterans' Agency that sent you the decision requesting a review of the decision within 90 days of the date of the letter containing the decision
- The letter should contain a statement that you wish to exercise your right to review. Give as much factual information about your medical condition as possible.

If you are still not Satisfied

You have the right to appeal to the Pensions Appeal Tribunal. You will have 6 months to make this appeal from the date you were notified of the original decision.

For help to check exactly which benefits you are able to claim, help to fill in the necessary forms or to discuss any problems you have with your benefits call:

Macmillan Benefits Helpline on freephone 0808 808 0000

Mon – Fri 9am – 8pm

Alternatively, you can contact an Asbestos Support Group, your local Citizens' Advice Bureau or a local specialist nurse for advice and assistance.