§ 3.273 Rate computation.

The commencement date of change in benefit payments based on rate computations under the provisions of this section will be determined under the provisions of § 3.31 or § 3.660.

(a) Initial award. For the purpose of determining initial entitlement, or for resuming payments on an award which was previously discontinued, the monthly rate of pension payable to a beneficiary shall be computed by reducing the beneficiary’s applicable maximum pension rate by the beneficiary’s countable income on the effective date of entitlement and dividing the remainder by 12. Effective June 1, 1983, the provisions of § 3.29(b) apply to this paragraph. Recomputation of rates due to changes in the maximum annual pension rate or rate of income following the initial date of entitlement are subject to the provisions of paragraph (b) of this section.

(b) Running awards—(1) Change in maximum annual pension rate. Whenever there is change in a beneficiary’s applicable maximum annual pension rate, the monthly rate of pension payable shall be computed by reducing the new applicable maximum annual pension rate by the beneficiary’s countable income on the effective date of the change in the applicable maximum annual pension rate, and dividing the remainder by 12. Effective June 1, 1983, the provisions of § 3.29(b) apply to this paragraph.

(2) Change in amount of income. Whenever there is a change in a beneficiary’s amount of countable income the monthly rate of pension payable shall
§ 3.274 Relationship of net worth to pension entitlement.

(a) Veteran. Pension shall be denied or discontinued when the corpus of the estate of the veteran, and of the veteran’s spouse, are such that under all the circumstances, including consideration of the annual income of the veteran, the veteran’s spouse, and the veteran’s children, it is reasonable that some part of the corpus of such estates be consumed for the veteran’s maintenance.

(Authority: 38 U.S.C. 1522(a))

(b) Increased pension payable to a veteran for a child. Increased pension payable to a veteran on account of a child shall be denied or discontinued when the corpus of the estate of the child is such that under all the circumstances including consideration of the veteran’s and spouse’s income and the income of the veteran’s child or children, it is reasonable that some part of the corpus of such child’s estate be consumed for the child’s maintenance.

(Authority: 38 U.S.C. 1522(b))

(c) Surviving spouse. Pension payable to a surviving spouse shall be denied or discontinued when the corpus of the estate of the surviving spouse is such that under all the circumstances, including consideration of the surviving spouse’s income and the income of any child for whom the surviving spouse is receiving pension, it is reasonable that some part of the corpus of the surviving spouse’s estate be consumed for the surviving spouse’s maintenance.

(Authority: 38 U.S.C. 1543(a)(1))

(d) Increased pension payable to a surviving spouse for a child. Increased pension payable to a surviving spouse on account of a child shall be denied or discontinued when the corpus of the estate of the child is such that under all the circumstances, including consideration of the income of the surviving spouse and child and the income of any other child for whom the surviving spouse is receiving increased pension, it is reasonable that some part of the corpus of the child’s estate be consumed for the maintenance of the child.

(Authority: 38 U.S.C. 1543(a)(2))

(e) Child. Pension payable to a child shall be denied or discontinued when the corpus of the estate of the child is such that under all the circumstances, including consideration of the income of the child, the income of any person with whom the child is residing who is legally responsible for such child’s support, and the corpus of estate of such person, it is reasonable that some part of the corpus of such estates be consumed for the child’s maintenance.

(Authority: 38 U.S.C. 1543(b))

§ 3.275 Criteria for evaluating net worth.

(a) General. The following rules are for application in determining the corpus of estate or net worth of a veteran, surviving spouse or child under § 3.274.

(b) Definition. The terms corpus of estate and net worth mean the market...