

FWD ASSIST HQ / CLAIM TOOLKIT / NO. 11

Not All Five

The test is whether somebody is so helpless as to need regular aid and attendance. The regulation gives a list of things that answer it, and says out loud you do not have to fail all of them.

Families talk themselves out of this one more than any other. He still gets himself dressed. She can still feed herself. We are not at a nursing home yet. So it must not be us.

That is measuring against a picture nobody wrote down. The actual question is whether the person is so helpless as to need regular aid and attendance, and the regulation gives a list of things that answer it while saying plainly that not all of them have to be true.

WHAT IS IN HERE

1. The real test, and the five things that answer it
2. The fifth one, which almost nobody reads
3. The two-week helper log
4. A check before you file

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The five things

Not how sick. Which functions.

The standard itself is helplessness, or being so nearly helpless as to require the regular aid and attendance of another person. The regulation adds that it is only necessary to establish that the veteran is so helpless as to need regular aid and attendance, not that there be a constant need.

What answers that question is not how bad the conditions are in the abstract. It is which particular personal functions the person cannot perform, considered alongside their condition as a whole.

#	What the regulation names
1	Inability to dress or undress, or to keep oneself ordinarily clean and presentable
2	Frequent need to adjust a prosthetic or orthopedic appliance that, by reason of the particular disability, cannot be done without help. Not appliances anyone would need help with, like supports, belts, or lacing at the back
3	Inability to feed oneself, through loss of coordination of the upper limbs or through extreme weakness
4	Inability to attend to the wants of nature
5	Incapacity, physical or mental, requiring care or assistance on a regular basis to protect from hazards or dangers of daily environment

Number four is the regulation's phrasing. Wants of nature means using the toilet and cleaning yourself afterward.

THE ONE LINE TO REMEMBER

You do not have to fail all five.

The regulation states it directly: it is not required that all of the listed conditions be found to exist before a favorable rating may be made. Families disqualify themselves over this constantly. What you do have to reach is the helplessness standard above.

The same paragraph adds one more basis on its own terms: bedridden. The regulation defines that as a condition which, through its essential character, actually requires that the claimant remain in bed. If that describes the person, say it in those words.

Two things to settle first

First, who this is for. Aid and attendance can attach to a veteran, and it can attach to a surviving spouse. The five factors below are the same test in both cases. Everything here is written as though you are helping somebody else, but it reads the same if it is you.

Second, which benefit. Aid and attendance sits on top of more than one VA benefit, and the two main ones behave differently. On the compensation side it relates to service-connected disability. On the pension side it is for wartime service and there is a financial test involved. Same five factors, different eligibility around them. Ask an accredited representative which one you are actually applying under before you spend time on the paperwork.

There are also routes that do not run through this list at all. Being a patient in a nursing home because of mental or physical incapacity is one. A specific level of blindness is another. And housebound is a separate thing. For a veteran, on pension or compensation, it starts with one disability rated 100 percent, and then needs one more thing: either other disabilities independently ratable at 60 percent or more, or being substantially confined to the dwelling and the immediate premises, where it is reasonably certain that will continue for life. Being confined to the house is not enough by itself without that 100 percent disability. That is a different test, not a lesser version of this one. Which program and which route fit is a question for an accredited representative, who can help at no cost.

The fifth one

Four of the five are about the body. The fifth is not, and it is the one that gets left out of the paperwork.

FACTOR FIVE

Incapacity, physical or mental, which requires care or assistance on a regular basis to protect the claimant from hazards or dangers incident to his or her daily environment.

Read that again with somebody in mind. It is not about bathing. It is about whether they are safe alone. The stove left on. Wandering. Falls that keep happening. Medication taken twice or not at all. A seizure with nobody there. Somebody who can dress themselves perfectly well and still cannot be left in the house.

Those examples come from other households. Do not lift a single one of them. What is worth taking is the level of detail: which task, on which day, and how long it took the person helping.

What gets written	What speaks to the factors
He has dementia and it is getting worse.	He left the burner on twice in October. I now take the knobs off before I leave. I have not been able to go anywhere alone since August.
She is very frail.	She cannot get out of the tub without me. I bathe her three times a week. She has fallen twice this year getting to the bathroom at night.
He needs a lot of help.	I put his leg on every morning, he cannot seat it himself. I cut his food. I take him to the bathroom during the night.

Nothing on the right is exaggerated. It names a function, says who performs it instead, and says how often. Those three things are what the rule can attach to. Adjectives cannot.

A NOTE FOR THE PERSON WRITING THIS

If you are the spouse or the child doing the helping, you have stopped noticing how much you do. It has become the day. That is exactly why the log on the next page exists. Write down what you actually did, not what you think counts.

DO THIS BEFORE YOU START GATHERING

Gathering all of this takes time, and the date VA receives your claim is what your back pay is measured from. So do not spend weeks keeping a helper log and then file. There is a way to hold the date first.

It is called an intent to file. VA Form 21-0966, Intent to File a Claim for Compensation and/or Pension, or Survivors Pension and/or DIC (May 2026 version). The regulation says that if VA receives your complete claim within one year of the intent to file, the claim is treated as filed on the day the intent to file came in. That protection goes to the first complete claim VA receives after the intent to file, so put every condition you mean to claim in that one filing. An intent to file does not apply to a supplemental claim.

Starting a disability compensation claim online at va.gov can establish this on its own, once you start and save the application. Do not assume it did. Look for VA's confirmation, or send the form separately so there is a dated record you can point to. For a pension claim, va.gov says to submit the intent to file even when you apply online.

The page for it is va.gov/find-forms/about-form-21-0966. It costs nothing, takes minutes, and an accredited representative will do it with you at no charge. Then take your year and gather properly.

Two-week helper log

For whoever does the helping. Print this and keep it on the counter. Two weeks of real days beats any description written from memory.

THIS IS FOR

KEPT BY

DATES

Each day, note what you did for them and roughly when. Use the factor numbers if it helps: 1 dressing or hygiene, 2 appliance, 3 feeding, 4 bathroom, 5 keeping them safe.

Date	What I did for them	How long / how often
Ex: 10/3	Put his leg on, cut his food at supper, up twice in the night to get him to the bathroom (1, 3, 4)	About 40 min, every day

Also worth a line

Anything you stopped doing for yourself because you cannot leave them. Nights you were up. Anybody else who helps and how often. Falls, near misses, anything left on or left unlocked.

Two-week helper log, page two

The second of the two pages. Everything above was what you saw. This is what makes it usable.

THIS IS FOR

WRITTEN BY

DATE

LAST, AND PEOPLE FORGET THIS

Sign this log, date it, and put a phone number or email on it in case VA needs to reach you. Then give it back to the veteran or whoever is helping them file. They will send it in. You do not have to submit anything yourself.

Write only what you saw or did yourself. If you are not sure about something, leave it out rather than guessing. The parts you are certain of are the parts that carry weight.

Signed

Printed name and date

Phone or email

Before you file

- ☐ I stopped disqualifying us because not all five apply.
- ☐ If the person is bedridden as the regulation defines it, I said so.
- ☐ I named which specific functions need help, not just the diagnoses.
- ☐ I included factor five if safety is the issue, even if the body is fine.
- ☐ The helper log is filled in with real days, including easier ones.
- ☐ I said who does the helping and how often, by name.
- ☐ I did not describe help that is not actually being given.
- ☐ I asked whether housebound or a nursing home route fits better.
- ☐ I asked an accredited representative which program this belongs under.

WHY THE LOG MATTERS MORE THAN THE FORM

To be clear about what the log is: it does not replace the clinical part. A physician or other qualified examiner still has to complete VA Form 21-2680, Examination for Housebound Status or Permanent Need for Regular Aid and Attendance (June 2026 version). The log is what you bring to that appointment so the clinician is describing your real weeks rather than one good morning. Check the current form at va.gov.

A form gets filled in once, quickly, usually in a waiting room, usually by the person who is minimizing. Two weeks of written days is what shows the pattern.

NOBODY SHOULD CHARGE YOU TO FILE

Help from an accredited Veterans Service Officer is free. Always. Disabled American Veterans, the Veterans of Foreign Wars, the American Legion and your state or county veterans service office all have accredited representatives and none of them charges you. The search is at va.gov/get-help-from-accredited-representative/find-rep.

Nobody may charge you a fee for helping with your claim before VA issues its first decision on it. That rule is 38 USC 5904(c)(1). After the first decision an accredited agent or attorney may charge, and 38 CFR 14.636 sets the limits, measured against past-due benefits, which means the back pay owed for the stretch before the decision: a fee not over 20 percent of that is presumed reasonable if that person represented you through the date of the decision, and a fee over one third is presumed unreasonable. Only an accredited agent or attorney may charge you anything.

So if somebody who is not accredited offers to file for you, wants money up front, or wants a cut, walk away and report them to the VA Office of Inspector General at 1-800-488-8244.

Where this is written down

The five factors, the bedridden basis and its definition, the statement that it is not required that all the listed conditions be found to exist, the instruction that the particular personal functions be considered alongside the condition as a whole, and the rule that it need only be established that the veteran is so helpless as to need regular aid and attendance rather than a constant need, are in 38 CFR 3.352(a). The meaning of need for aid and attendance, the nursing home and blindness routes, and the separate housebound criteria, including the single 100 percent disability a veteran needs, are in 38 CFR 3.351.

Regulation text: [ecfr.gov](https://www.ecfr.gov), Title 38, Part 3, sections 3.351 and 3.352. Aid and attendance appears in more than one part of the benefit system. Confirm which one applies before you rely on any of this.

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Current as of October 2026. Regulations change. Check for a newer version before you rely on this.

If working on this is bringing things up, the Veterans Crisis Line is 988 then press 1, or text 838255. Family members can call it too.