



## SURVIVOR BENEFIT PLAN (SBP) FACT SHEET: SURVIVOR OF A RETIRED SOLDIER

This fact sheet is designed to supplement the Department of Defense website at:  
<https://militarypay.defense.gov/Benefits/Survivor-Benefit-Program/>. Updated by the Headquarters,  
Department of the Army.

### **THE SIMPLE FACTS**

This fact sheet provides information to help you understand the provisions of SBP. It is not a contract document. The basic statutory provisions of SBP law are in chapter 73, title 10, United States Code.

The Survivor Benefit Plan (SBP) is the only program that lets your Soldier leave a percentage of their retired pay as a monthly annuity to you. The maximum annuity is 55 percent of their retired pay. This fact sheet will go over some basic information you need to know about your SBP annuity.

### **ELIGIBILITY**

The table below outlines what your Soldier did at retirement that makes you eligible for SBP.

<b>TYPE OF MILITARY RETIREMENT</b>	<b>SOLDIER'S PAST ACTION</b>
<b>Regular</b> (to include Reserve Component eligible for Regular retirement)	Soldier elected SBP coverage at retirement or received automatic coverage by failing to decline coverage prior to retirement.
<b>Non-regular</b>	Soldier elected RCSBP Coverage within 90 days of receiving their Notification of Eligibility (NOE) for retirement or received automatic coverage because they received their NOE on or after January 1, 2001 and failed to decline coverage within 90 days of receiving their NOE.
<b>Medical</b>	Soldier elected SBP Coverage at retirement or received automatic coverage by failing to decline coverage prior to retirement.

## ELECTION BENEFICIARY CATEGORIES FOR RETIRED SOLDIERS

The explanation of each election category below assumes that your Retired Soldier had SBP coverage for that election category.

- a. **Spouse only.** In order for you to be eligible for an annuity as a spouse, you must have been married to your Retired Soldier for at least one year prior to the date of their death or have been married to them at retirement. You will receive the SBP annuity for life unless you get remarried prior to age 55. If that remarriage ends, you can reapply for the SBP annuity with the Defense Finance and Accounting Service (DFAS).
- b. **Child(ren) only.** In order for you to be eligible for an annuity as a child, you must remain unmarried and be under the age of 18 or under age 22 if in school pursuing a full-time course of study or training. If you are incapable of self-support because of a mental or physical incapacity incurred while still eligible as defined above then you will continue to receive the child SBP annuity regardless of age as long as you do not marry. Coverage is for all eligible children. If there is more than one eligible child, then the annuity will be divided equally among all eligible children and recalculated as each child loses eligibility either through marriage or age.

If you are a fully incapacitated child, your SBP annuity may affect other benefits that you may be entitled to, based on your disability. In order to mitigate the effect of SBP on those other benefits, the law allows the SBP annuity for an incapacitated child to be paid to a special needs trust.

- c. **Spouse and Child(ren).** The same basic rules apply as previously discussed in “Spouse only” and “Child only”. The difference is that you as the spouse will be the primary beneficiary and then your child(ren) will receive the annuity only if you become ineligible due to death or a remarriage prior to age 55.
- d. **Former Spouse/Former Spouse and Child(ren).** This election could’ve been made by the Retired Soldier or deemed by you within one year of the first court order awarding you the Former Spouse or Former Spouse and Child(ren) SBP. You will receive the SBP annuity for life unless you get remarried prior to age 55. If that remarriage ends, you can reapply for the SBP annuity with DFAS. For Former Spouse and Child(ren) SBP, you as the former spouse are the primary beneficiary. If you lose your eligibility, the annuity will go to your child(ren) of the marriage with the Retired Soldier. The same basic rules apply for the eligibility for “Child Only” except that only the children of your marriage with the Retired Soldier are covered in this category.
- e. **Insurable Interest.** Your Retired Soldier could have elected this category only if they were unmarried with no eligible child. As an insurable interest, you will receive the annuity for life.

## **SBP ANNUITY AMOUNT**

The annuity is 55 percent of the base amount.

- a. For Retired Soldiers, the base amount is the amount of retired pay your Soldier elected for SBP coverage.
- b. For deaths that occur on active duty or inactive duty and found in the line of duty, the base amount will be based on retired pay as if your Soldier were 100 percent medically disabled. If your Soldier was also eligible for a length of service retirement and that was higher than the calculation based on 100 percent medical disability, you will receive an annuity based on the length of service retirement.
- c. For Retired Soldiers who elect insurable interest, the base amount is their full retired pay minus the premium cost.

## **DEPENDENCY AND INDEMNITY COMPENSATION (DIC)**

If your Soldier died of a service connected condition, then you are eligible to receive DIC from the Department of Veteran's Affairs (VA). You will need to apply for this benefit through the VA.

By law, your Spouse SBP annuity is offset or reduced by spouse DIC until December 31, 2022. The National Defense Authorization Act Fiscal Year 2020 phases out the SBP offset by DIC and the offset will be completely eliminated January 1, 2023. See the DFAS website for the most up to date information on this law change, <https://www.dfas.mil/retiredmilitary/survivors/SBP-DIC-News/>

- a. Starting January 1, 2021, the reduction of your spouse SBP annuity is two thirds of the DIC amount. Depending on your SBP annuity amount, this may mean you are seeing more of your SBP annuity compared to last year. Starting January 1, 2022 the reduction of SBP will decrease to one third the DIC amount until it is eliminated on January 1, 2023. Not everyone is seeing an increase in their SBP annuity this year. Some may not see an increase until 2022 or even 2023.
- b. If your Spouse SBP is offset by DIC, then you will receive the Special Survivor Indemnity Allowance (SSIA) until the offset is eliminated January 1, 2023.

## **SPOUSE SBP ANNUITANT REMARRIAGE**

Your SBP annuity stops if you remarry before age 55. The annuity can resume if the marriage ends due to death or divorce. You will need to re-apply for the SBP annuity with DFAS to reinstate the annuity. If you remarry after age 55, the SBP annuity continues.

## **CHILD SBP ANNUITANT SCHOOL CERTIFICATION**

As a child annuitant, you must remain unmarried to continue receiving your annuity. Your annuity will also stop when you turn 18 unless you are listed as an incapacitated

child or you are attending school full-time. If you are attending school full-time, you can receive your annuity up until age 22 by completing and submitting to DFAS the DD Form 2788 School Certification and the direct deposit form. DFAS must receive this no later than 60 days prior to your 18th birthday and every year after prior to the end of the school year. For more information on this process go to <https://www.dfas.mil/RetiredMilitary/survivors/School-Certifications/>.

### **INCAPACITATED CHILD SBP ANNUITANT – SPECIAL NEEDS TRUST**

If you are an incapacitated child, your annuity can be paid into a Special Needs Trust (SNT). An SNT may preserve your eligibility for other federal or state benefits. Your Soldier may have done this already but if not, your guardian can do it now. For more details on the process to pay your annuity into the SNT visit: <https://www.dfas.mil/retiredmilitary/provide/sbp/special-needs-trust/>

### **SBP ANNUITANT ELIGIBILITY VERIFICATION**

You will need to provide verification to DFAS of your continued eligibility for the SBP annuity.

- a. Spouse and former spouse annuitants:
  1. under the age of 55 must complete and submit to DFAS the Certificate of Eligibility (COE) annually
  2. who receive a paper check to a foreign address must complete and submit to DFAS the Report of Existence (ROE) twice a year
- b. Child(ren) annuitants:
  1. under 18 and over 14 must complete and submit to DFAS the COE annually
  2. under 18 receiving a paper check to a foreign address must complete and submit to DFAS the ROE twice a year
- c. Student child annuitants age 18-22:
  1. Turning 18 must complete and submit to DFAS the School Certification prior to 18th birthday
  2. 18-22 must complete and submit the School Certification annually
  3. 18-22 receiving a paper check to a foreign address must complete and submit to DFAS the ROE twice a year
- d. Child annuitants documented as incapacitated:
  1. Over 14 must complete and submit to DFAS the COE annually
  2. receiving a paper check to a foreign address must complete and submit to DFAS the ROE twice a year

See the DFAS webpage for details:

<https://www.dfas.mil/RetiredMilitary/survivors/manage/> or check out the [SBP Annuitant Eligibility Fact Sheet](#).

## SBP POINTS OF CONTACT

<b>Installation RSOs</b>	To contact your nearest Installation RSO, go to the Soldier for Life webpage at <a href="https://soldierforlife.army.mil/Retirement/rso?maps=all">https://soldierforlife.army.mil/Retirement/rso?maps=all</a> . Select your state and find the nearest installation RSO.
<b>Army National Guard</b>	State Army National Guard RSOs. To contact your State Army National Guard RSO go to go to the Soldier for Life webpage at <a href="https://soldierforlife.army.mil/Retirement/rso?maps=all">https://soldierforlife.army.mil/Retirement/rso?maps=all</a> . Select your state and find the State National Guard Retirement Services Office
<b>Army Reserve</b>	Readiness Division (RD) and 9th Mission Support Command (MSC) Retirement Services Officer (RSO). To contact your RSO go to the Soldier for Life webpage at <a href="https://soldierforlife.army.mil/Retirement/ArmyReserve">https://soldierforlife.army.mil/Retirement/ArmyReserve</a> .

**UPDATED JULY 2021**