



SURVIVOR BENEFIT PLAN (SBP) FACT SHEET: SURVIVOR OF A SOLDIER WITH A LINE OF DUTY DEATH

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.

This fact sheet will go over some basic information you need to know about your Survivor Benefit Plan (SBP) annuity.

ELIGIBILITY AND BENEFICIARY CATEGORIES FOR A SOLDIER WITH A LINE OF DUTY DEATH

SBP beneficiaries of Soldiers who die **in the line of duty** on active duty or inactive duty training are determined by law.

- a. **Spouse only.** To be eligible to receive an annuity as the spouse, you must have been married to your Soldier on the date of their death. As long as Former Spouse SBP was not court ordered, you as the spouse will be the beneficiary. You will receive the SBP annuity for life unless you remarry prior to age 55. Remarriage prior to age 55 will suspend your annuity. However, if that remarriage ends, you may apply to the Defense Finance and Accounting Service (DFAS) to reinstate the annuity.
- b. **Child(ren) only.** If the Soldier was unmarried and a court had not previously ordered Former Spouse SBP, then the Soldier's child(ren) will receive the SBP annuity as long as they remain unmarried and are under the age of 18, or under age 22 if in school pursuing a full-time course of study or training; or any age if incapable of self-support because of a mental or physical incapacity incurred while still eligible as defined above. The annuity will be divided between all eligible children and recalculated as children lose eligibility. This includes the Soldier's children living outside the home.

An incapacitated child's SBP annuity may affect other benefits. To mitigate the effect of SBP on other benefits, the law allows the SBP annuity to be paid to a special needs trust.

- c. **Spouse and Child(ren).** If there is no court ordered Former Spouse SBP and you were married to your Soldier and had children at the date of death, then you are the primary beneficiary. Same child eligibility rules as above; however, children will receive an SBP annuity only if you become ineligible (through death or remarriage before age 55). The annuity will be divided between all eligible children and recalculated as children lose eligibility. This includes your Soldier's children living outside of your home.

Note: If you were or are pregnant with your Soldier's child on the date of death, your child will be an SBP eligible child once they are born. Make sure to update DFAS.

- d. **Optional Child(ren) Only, Spouse Excluded.** **(This will no longer be an option effective January 1, 2023)** If a court had not ordered Former Spouse SBP, and you were married to your Soldier and had children on the date of death, then you can request to transfer the SBP benefit to the child(ren) only. Currently, Spouse Dependency and Indemnity Compensation (DIC) offsets or reduces Spouse SBP but Child(ren) DIC does not offset or reduce Child(ren) SBP. Calendar year 2021 began the phase-out of this offset until its elimination January 1, 2023. Until then, it may be more advantageous for your household to go with this option. Refer to the "Dependency and Indemnity" Section of this fact sheet for more details.

Note 1: If you elect to transfer your SBP benefit to child only, by law, it will revert back to you on January 1, 2023, as long as you remain eligible (not remarried prior to age 55). For up to date information go to: <https://www.dfas.mil/RetiredMilitary/survivors/SBP-2023-Optional-Child-Annuity-Reversion/>

Note 2: If you were or are pregnant with your Soldier's child on the date of death, your child will be an SBP eligible child once they are born. You can request this category once your child is born.

- e. **Former Spouse /Former Spouse and Child(ren).** If you were awarded either Former Spouse or Former Spouse and Child(ren) SBP through a court order then the annuity will go to you as the former spouse. If you were awarded Former Spouse and Child(ren) SBP, you, as the former spouse, are the primary beneficiary. The child(ren) receive(s) the SBP annuity only if you, as the former spouse, become ineligible (through death or remarriage before age 55). Only children of your marriage with the Soldier are covered.
- f. **Insurable Interest.** If there is no spouse, or children, or court-ordered Former Spouse SBP, then you are receiving an annuity as an insurable interest because you are authorized a military ID Card as a Soldier's dependent in accordance with Title 10 United States Code, Section 1072(2).

SBP ANNUITY AMOUNT

The annuity is 55 percent of the base amount. 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.

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 Veterans 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 for Fiscal Year 2020 phases out the offset, and the offset will be completely eliminated on 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 or are also receiving the Special Survivor Indemnity Allowance (SSIA) until the offset is eliminated January 1, 2023.

ONLINE SURVIVOR BENEFITS REPORT

The DoD Casualty, Mortuary Affairs, and Military Funeral Honors Online Survivor Benefits Report (OSBR) is a planning tool that breaks down the different federal benefits you and/or family may be entitled to. It also shows how those benefits would change depending on certain events or milestones. You received an initial copy of this report soon after the death of your Soldier and can access an interactive version of the report online using your DS Logon. If you have any questions regarding your OSBR and survivor benefits, you can contact the Family Assistance Support Team (FAST) helpdesk at 1-877-827-2471 or email them at MFOSBR@MagellanFederal.com.

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 must 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

Child annuitants must remain unmarried to continue receiving the annuity. The annuity will also stop when they turn 18 unless they are listed as an incapacitated child or are attending school full-time. If attending school full-time, they can receive the 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 their 18th birthday and every year afterwards, 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

The annuity for an incapacitated child can be paid into a Special Needs Trust (SNT). An SNT may preserve the child's eligibility for other federal or state benefits. A parent or guardian can do it now. For more details on the process to pay the 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 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

Installation RSOs	To contact your nearest Installation RSO, go to the Soldier for Life webpage at https://soldierforlife.army.mil/Retirement/rso?maps=all . Select your state and find the nearest installation RSO.
Army National Guard	State Army National Guard RSOs. To contact your State Army National Guard RSO go to go to the Soldier for Life webpage at https://soldierforlife.army.mil/Retirement/rso?maps=all . Select your state and find the State National Guard Retirement Services Office
Army Reserve	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 https://soldierforlife.army.mil/Retirement/ArmyReserve .

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