



SURVIVOR BENEFIT PLAN (SBP) FAMILY PLANNING FACT SHEET FOR SERVING SOLDIERS

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 explain the eligibility for this program, eligible beneficiaries, and other general provisions as it relates to Soldiers and their families if the Soldier dies **in the line of duty** on active duty or inactive duty training.

COVERAGE

Soldiers on active duty or inactive duty training receive coverage as long as the death is found "**in the line of duty**".

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 for an annuity your spouse must be married to you on the date of your death. As long as Former Spouse SBP is not court ordered, your spouse will be the beneficiary. Your spouse will receive the SBP annuity for life unless they remarry prior to age 55. Remarriage prior to age 55 will suspend the annuity. However, if that remarriage ends, your spouse may re-apply to the Defense Finance and Accounting Service (DFAS) to reinstate the annuity.
- b. **Child(ren) only.** If you do not have court ordered Former Spouse or have no spouse, then your 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.

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

- c. **Spouse and Child(ren).** If you do not have court ordered Former Spouse SBP and are married with children, your spouse is the primary beneficiary. Same child eligibility rules as above; however, children will receive an SBP annuity only if your spouse becomes ineligible (through death or remarriage before age 55). The annuity will be divided between all eligible children and recalculated as children lose eligibility.
- d. **Optional Child(ren) Only, Spouse Excluded.** **(This will no longer be an option effective January 1, 2023)** If you do not have court ordered Former Spouse SBP and are married with children, your spouse can choose to request to transfer the SBP benefit to 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 your spouse elects to transfer the SBP benefit to child only, by law, it will revert back to your spouse as long as they remain eligible (not remarried prior to age 55) starting January 1, 2023. For up to date information go to: <https://www.dfas.mil/RetiredMilitary/survivors/SBP-2023-Optional-Child-Annuity-Reversion/>

Note 2: If your spouse is pregnant with your child at the date of death, your child will be an SBP eligible child once they are born. Your spouse can request this category once your child is born.

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

SBP ANNUITY AMOUNT

The annuity is 55 percent of the base amount. For deaths that occur on active duty or inactive duty training and found in the line of duty, the base amount will be based on retired pay as if you were 100 percent medically disabled. If at the time of death you

were also eligible for a length of service retirement, the annuity will be calculated based on 100 percent medical disability and length of service. Your survivor will receive the higher of the two calculations.

DEPENDENCY AND INDEMNITY COMPENSATION (DIC)

If you die as a result of a service connected condition, then your family may be eligible to receive DIC from the Department of Veterans Affairs (VA). They will need to apply for this benefit through the VA.

The National Defense Authorization Act Fiscal Year 2020 phases out the spouse SBP offset by spouse 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. The SBP annuity of a spouse will be reduced by two thirds of the DIC amount the spouse receives in 2021. Starting January 1, 2022 the reduction of SBP will decrease to one third the DIC amount until it is eliminated on January 1, 2023. Your spouse will be eligible for DIC payments if you die of a service-connected cause. In the event the DIC payment is greater than the SBP annuity, the annuity will not be paid.
- b. If your spouse's SBP is offset by DIC, they will be entitled to the Special Survivor Indemnity Allowance until the offset is eliminated January 1, 2023.

SURVIVOR BENEFITS REPORT

The Survivor Benefits Calculator is a planning tool to show you and your family some of the benefits your family would be entitled to if you die in the line of duty on active duty or inactive duty training. It also shows how those benefits would change depending on certain events or milestones. Visit the following website to utilize this tool: <https://myarmybenefits.us.army.mil/Benefit-Calculators/Survivor-Benefits>

SPOUSE SBP ANNUITANT REMARRIAGE

Your spouse's/former spouse's SBP annuity stops if your spouse or former spouse remarries before age 55. The annuity can resume if the marriage ends due to death or divorce. Your spouse or former spouse will need to re-apply for the SBP annuity with DFAS to reinstate the annuity. If your spouse/former spouse remarries after age 55, the SBP annuity continues.

UPDATED JULY 2021