

10-1. Final Pay-Arrears of Pay.

The entitlement to retired pay ceases on the date of a Retired Soldier's death. Eligibility to receive any portion of retired pay passes to a survivor only if the Retired Soldier elected to receive reduced retired pay during his/her lifetime to provide this benefit. (See paragraph 10-2 for details on the Survivor Benefit Plan (SBP)). The person the Retired Soldier designates as the beneficiary for his/her Final Pay (aka Arrears of Pay--AOP) is eligible only for a one-time payment which represents the retired pay due the member from the last pay date to (and including) the date of death. The Defense Finance & Accounting Service – Cleveland Center (DFAS-CL) will notify the financial institution where the retired pay was sent requesting return of the full amount of retired pay deposited through Electronic Funds Transfer (EFT) after the Retired Soldier's death. To ensure that the final retired pay check is returned if already sent by DFAS-CL, the surviving family members should also notify the bank, instructing them to return the final retired pay. The AOP beneficiary should then apply for the Retired Soldier's final pay, using DD Form 1174, which is sent to the beneficiary on record by DFAS-CL. Proof of death must accompany the completed application when it is mailed to: DFAS- U.S. Military Retired Pay, 8899 E 56th Street, Indianapolis, IN 46246-1200; or Faxed to 1-800-469-6559. For additional information, refer to <https://www.dfas.mil/retiredmilitary/survivors/Retiree-death/aop.html>.

Retired paychecks which were sent by mail to a financial institution or directly to the Retired Soldier, and which were not cashed by the Retired Soldier before his/her death, must be returned to DFAS-CL. Upon receipt of a completed application DD Form 1174, DFAS-CL will send the portion of the final month's pay rightfully owed to the deceased Retired Soldier to the beneficiary of record.

10-2. Survivor Benefit Plan.

Participation in the Survivor Benefit Plan (SBP) allows Retired Soldiers to provide an annuity to certain designated survivors (spouse, spouse and child, child, former spouse, former spouse and child, or person with an insurable interest). However, Retired Soldiers are responsible for updating their SBP election after retirement. Every issue of *Army Echoes* reminds Retired Soldiers to update their Survivor Benefit Plan (SBP) election within one-year of events that change their dependent status such as gaining a child, marriage, divorce, or death. Ignoring this reminder can result in a Retired Soldier or surviving spouse accumulating a substantial debt or, in some cases, losing SBP coverage for a dependent. To change an SBP election, unless otherwise noted, submit a DD Form 2656-6 (SBP Election Change Certificate) to the Defense Finance and Accounting Service (DFAS) with supporting documentation (for example, divorce decree, marriage certificate, death certificate, birth certificate, adoption decree, or guardianship decree). The mailing address is on the DD Form 2656-6. SBP premiums are suspended when DFAS is properly notified there is no eligible SBP beneficiary for an SBP category. However, a retired Reserve Soldier will continue to pay child RCSBP costs for the RCSBP coverage previously received even when there is no eligible child. Following are the SBP beneficiary categories and information on the individual categories.

SBP Beneficiary Categories

#1: Spouse. A surviving spouse is the spouse married to the Soldier at retirement and at the Retired Soldier's death. If they marry after retirement, the marriage must last at least one year or there must have been a child born of that marriage. If the Soldier remarried the former spouse they were married to at retirement and elected spouse SBP for at retirement, that spouse is an eligible SBP beneficiary immediately on remarriage. Benefits are paid until the spouse dies, but stop upon remarriage before age 55 (and can be resumed if that remarriage ends by death or divorce). Since June 26, 2013, the spouse SBP category has applied to same sex spouses. Based on a court case, a surviving spouse authorized both SBP and DIC will receive both if remarried after age 57. If your spouse dies first or you get divorced, SBP costs will stop (once you notify the Defense Finance and Accounting Service). In divorce cases, spouse coverage may be converted to former spouse coverage (see the Former Spouse Coverage). In some instances of divorce, conversion of the coverage to provide for the former spouse may be required by court order. If your spouse SBP stops due to the spouse's death or a divorce without a former spouse election, your spouse SBP is suspended.

#2: Spouse and Children. The spouse is the primary beneficiary, with eligible children receiving the annuity only if the spouse dies, remarries before age 55, or was involved in the retiree's wrongful death. The 55 percent annuity is divided equally among the eligible children. In the case where a spouse remarried prior to age 55 and the marriage ends, the SBP benefit goes back to the spouse. If your spouse dies or you divorce and do not elect former spouse SBP, your premiums are recalculated as child coverage. The child portion of the coverage is based on the age of the youngest child, the spouse and Retired Soldier. Child SBP eligibility criteria is listed below in Child Only coverage.

#3: Children Only. Eligible children are the primary beneficiaries. Eligibility ends for a child at age 18 or at age 22 if a full-time, unmarried college student. It does not end for a child who is incapacitated during the eligibility age window. Marriage by a child at any age ends the child's SBP eligibility. If the Retired Soldier dies while a child is eligible, the 55 percent annuity continues until the child exceeds the age of eligibility. "Eligible children" includes adopted children, stepchildren, foster children and recognized natural children who live with the Retired Soldier in a regular parent-child relationship. Children of all marriages and or relationships are eligible beneficiaries. All eligible children are covered by spouse and children or children only elections. All eligible children are covered at one cost and the cost is based on the age of the youngest child and the Retired Soldier. When there are no longer eligible children, the SBP cost is suspended but RCSBP cost will continue. A child election offers excellent protection for incapacitated children, since the 55 percent annuity is payable to them for life. The mental or physical incapacity must have been incurred while in the age of eligibility. Note: It is recommended that you research the impact SBP for a fully disabled child may have on other benefits the child is or will receive. *Recent legislation allows payment of elected child SBP to a Special Needs Trust (SNT) for an unmarried child incapable of self-support because of a mental or physical incapacity existing from an age the child would otherwise have been eligible for SBP or RCSBP.

#4: Former Spouse. This option may be elected voluntarily, by a written agreement, or be required by a court order. Former spouse costs and benefits are identical to those for spouse. Remarriage limitations also apply. Former spouse coverage precludes spouse coverage at the time. *When court ordered former spouse SBP is elected, the only way to stop the former spouse SBP and change the election to spouse SBP is to have all court orders that apply amended to show former spouse SBP is not court ordered or with the death of the former spouse.

#5: Former Spouse and Children. This is identical to the "spouse and children" option in costs and benefits, except that only children of the marriage to the former spouse are eligible beneficiaries.

#6: Natural Person with an Insurable Interest. Insurable interest SBP can only be elected at your initial RCSBP or SBP election.

The following are SBP election changes and actions needed to make the changes

Marriage or Remarriage after Retirement:

Had spouse coverage and lost the spouse through death, divorce, or annulment.

- Within one-year of remarriage, a Retired Soldier with suspended spouse SBP coverage must choose one of three options: decline coverage for the new spouse and any future spouse; increase coverage if the previous SBP election was for reduced spouse coverage; or resume previous spouse coverage. The Retired Soldier must inform DFAS of the remarriage and choice of spouse SBP coverage by the first anniversary of the remarriage or, by law, the new spouse is automatically enrolled with the previous level of SBP coverage. The new spouse is the SBP beneficiary on the first anniversary of the marriage and the Retired Soldier owes SBP premiums from that date.
- When a Retired Soldier marries after retirement, the spouse is not an eligible SBP beneficiary until the first anniversary of the marriage. There are two exceptions that provide the spouse immediate SBP coverage prior to the first anniversary: (1) the marriage is to the former spouse who was the spouse the Retired Soldier elected spouse coverage for at retirement or during the 21 September 1972 - 20 March 1974 SBP open enrollment (SBP coverage and costs are effective

immediately); (2) Retired Soldier marries and has a child of that marriage, the new spouse is an eligible SBP beneficiary and premiums start effective at the birth of the child or at the one-year anniversary of the marriage, whichever is first.

No Spouse at Retirement. A Retired Soldier, who was unmarried at retirement, is eligible to elect spouse SBP coverage during retirement. However, the Retired Soldier must provide DFAS an SBP election for the new spouse within one-year of the marriage or the spouse SBP category is closed for that spouse and any future spouse. SBP Premiums for the new spouse election start on the first anniversary of the marriage.

Retired Soldier SBP Actions at Divorce. If the Retired Soldier had spouse SBP coverage, the court may award former spouse SBP coverage in the divorce. If your spouse SBP stops due to the spouse's death or a divorce without a former spouse election, your spouse SBP is suspended.

- The Retired Soldier has one-year from the date of the divorce to request voluntary, court-ordered, or based on a separate written agreement for former spouse SBP coverage. Former spouse SBP requests must be submitted to DFAS on a DD Form 2656-1 (SBP Election Statement for Former Spouse Coverage) with the divorce decree and any subsequent court orders or any separate written agreement providing former spouse SBP. Former spouse SBP premiums are retroactive to the date of divorce.

If the Retired Soldier takes no action within one-year of divorce, the Retired Soldier is precluded by law from changing the SBP to former spouse. Retired Soldiers who do not want to change their SBP elections to former spouse, either voluntarily or court ordered, must submit a DD Form 2656-6 (Survivor Benefit Plan Election Change Certificate) to DFAS with a copy of the divorce decree. DFAS will change the spouse SBP to suspended spouse coverage and stop the spouse SBP premiums retroactive to the date of divorce. If court ordered Former Spouse SBP and the Retired Soldier fails to change SBP election to former spouse within 1-year of divorce, Retired Soldier may be held in contempt of court. If your spouse SBP stops due to the spouse's death or a divorce without a former spouse election, your spouse SBP is suspended.

Former Spouse "Deemed" SBP Election. If the court awarded former spouse SBP, the former spouse has one-year from the date of the first court order that addressed and awarded the former spouse SBP to submit a DD Form 2656-10 (SBP/RCSBP Request for Deemed Election) to DFAS with a copy of the divorce and court order awarding former spouse SBP or if a written agreement, provide the written agreement awarding former spouse SBP and any court order incorporating, ratifying, or approving the written agreement. "Deeming the SBP" ensures that if the Retired Soldier does not change the election to Former Spouse, the election will be changed as if the Retired Soldier had changed the SBP to Former Spouse. The Retired Soldier can only change the SBP election within one-year of the divorce. If the court order awarding former spouse SBP is one-year or more after the date of the divorce, only the former spouse can change the SBP election by deeming former spouse coverage.

Changing Former Spouse SBP to Spouse at death of Former Spouse. Congress passed a law on November 25, 2015 that allows you to change your SBP election from former spouse to spouse after your former spouse's death if either your former spouse's death or your marriage is after November 24, 2015.

- If you were married at your former spouse's death and the death was after November 24, 2015, you will have one year from the former spouse's death to change your SBP election to spouse. The effective date of your spouse SBP coverage will be your former spouse's date of death or the first anniversary of the remarriage, whichever is later.
- If your former spouse died after November 24, 2015 and you remarry after your former spouse's death, you will have one year from your first remarriage to change your SBP election to spouse. The effective date of your spouse SBP coverage will be the first anniversary of the remarriage.
- If your spouse died prior to November 25, 2015 and you remarried after November 24, 2015, you will have one year from your first remarriage to change your SBP election to spouse. The effective date will be the first anniversary of the remarriage.

- If your former spouse's death and your remarriage were both prior to November 25, 2015, the law provided you a one year open enrollment period that ended on November 24, 2016 to change your SBP election to spouse coverage.

Child SBP Coverage Change.

- Retired Soldiers with no eligible children at retirement may elect child SBP within one-year of acquiring the first eligible child after retirement. Failure to request SBP for the first dependent child following retirement closes the child SBP category. Submit a DD Form 2656 to DFAS with a copy of the documents establishing the child's legal dependency and parent child relationship within one year.
- If the Retired Soldier already has child SBP coverage, the Soldier should notify DFAS-CL that he/she have an additional dependent child and provide the documentation to verify the child's legal dependency.
- Election to pay SBP to an irrevocable Special Needs Trust (SNT) for a totally disable child.
 - In order to elect to pay an SBP or RCSBP annuity to a SNT for an eligible disabled dependent child, SBP or RCSBP coverage must exist for that child.
 - When the disabled-dependent child's SBP or RCSBP annuity is paid to a SNT, the annuity does not count as income for the child to adversely affect the child's other disability related benefits.
 - The election of payment of the SBP to a SNT set up for the benefit of the child may be made at the time of retirement, after retirement, and even after death of the Retired Soldier.
 - You will be required to provide a separate statement from an actively licensed attorney certifying that the trust is a SNT created for the benefit of the child and is in compliance with all applicable federal and state laws.
 - A SNT is a legal instrument specifically designed to benefit a person with a disability by providing a set of instructions for managing money set aside to help the disabled person. Unlike many other types of trusts, the special needs trust is governed by both state and federal statute and for SBP or RCSBP must be irrevocable.
 - The retiring Soldier, Retired Soldier, surviving parent, and or legal guardians of the disabled dependent child can make the decision that paying the SBP or RCSBP to an irrevocable SNT for the sole benefit of the child is in the child's best interest.
 - When there is more than one child eligible for SBP or RCSBP, the SNT for a disabled-dependent child will be considered as a child for calculating and dividing the annuity among eligible children.
 - The RSO can explain and assist you with the process to request payment of SBP to a special needs for an incapacitated child.

Changing Insurable Interest Beneficiary. Within 180 days of the death of his/her insurable interest beneficiary, a Retired Soldier may elect in writing a new insurable interest beneficiary. For this election to be valid, the Retired Soldier must live two years past the effective date of the election. If the Retired Soldier dies before the end of the two years, the election is invalid and any premiums paid for the new insurable interest election will be paid to the Retired Soldier's SBP beneficiary. The premium for the new insurable interest beneficiary will be based on the age of the new beneficiary. Any premium increases due to age difference between the Retired Soldier and the new beneficiary will be applied retroactively to the entire period of the insurable interest. If you remarry or have a child, you will have one year to cancel your insurable interest and elect SBP for your spouse and or child or you close the election category for that beneficiary and any future beneficiary in that category.

If SBP is elected at retirement, Retired Soldiers are permitted to terminate or withdraw from their SBP coverage (with spouse or former spouse concurrence) under the following circumstances:

- Retired Soldiers may terminate SBP coverage between the 25th and 36th month following the date they began to receive retired pay with spouse or former spouse concurrence. Requests for termination between the 25th and 36th month following the date of receipt of retired pay (effective date of retirement) will be submitted to DFAS on a DD Form 2656-2 (SBP Termination Request) and cannot be signed prior to the start of the 25th month following retirement.
 - No SBP premiums paid will be refunded, no annuity will be payable upon death, and SBP participation may not be resumed under any circumstance.
 - Reservists who terminate SBP under this provision will continue to pay RCSBP premiums for RCSBP coverage previously received.

- To terminate court ordered former spouse SBP, you must provide a copy of a court order which modifies all previous court orders pertaining to the former spouse election and permits the change of election.
 - To terminate former spouse SBP based on a written agreement not incorporated into a court order only requires the former spouse's concurrence on the DD form 2656-2.
- Retired Soldiers may withdraw if they have been rated by the VA as totally service-connected disabled for ten or more continuous years (if rating is effective after last date on active duty) or not less than five continuous years if total disability rating is from the last date of active duty.
 - Withdrawal is allowed because the Veterans Administration (VA) will presume the Retired Soldier's death is service connected and the surviving spouse will receive VA Dependency and Indemnity Compensation. A request for withdrawal requires the written consent of the beneficiary.
 - When the Retired Soldier dies, the surviving spouse will be entitled to a refund of all spouse SBP premiums paid. No SBP to include the amount of SBP that exceeds DIC will be paid to the surviving spouse.
 - Retired Soldiers that combine their military and Federal civilian retirement may do one of the following:
 - drop military SBP in favor of the Civil Service Survivor Annuity;
 - keep military SBP, decline the Civil Service Survivor Annuity, and pay SBP costs directly to DFAS.
 - A Retired Soldier with insurable interest coverage may voluntarily terminate coverage at any time without the beneficiary's concurrence with the exception of an insurable interest election for former spouse prior to November 8, 1985.
 - Otherwise, elections are considered generally permanent and irrevocable
 - You can contact the nearest Retirement Services Officer (RSO) for assistance. RSO contact information is available on the Soldier for Life Homepage at <https://soldierforlife.army.mil/retirement/contact-us>.

10-3. Annuities for Certain Military Surviving Spouses.

Per Public Law (P.L.) 105-85, November 18, 1997; amended by P.L. 106-65, October 5, 1999, certain Surviving spouses of military Retired Soldiers and Reserve Soldiers qualified for Reserve non-regular retirement but not in receipt of retired pay were eligible to receive a monthly payment of \$255.80 (since increased by Cost-of-Living Adjustments, COLA). The acronym for the program is ACMSS. It is commonly referred to as the "Forgotten Widows" benefit.

Background. Congress determined that this payment was necessary to compensate surviving spouses of military Retired Soldiers who died before having the opportunity to enroll in the Survivor Benefit Plan (SBP) or the Reserve Component SBP (RC-SBP).

Qualifications:

November 18, 1997 law:

- A surviving spouse of a Retired Soldier who died before March 21, 1974 (the end date of the initial, 18-month SBP Open Enrollment Season) was retired prior to September 21, 1972, and who was in receipt of retired pay at the time of death; and
- A surviving spouse of a qualified Reserve member (i.e., "qualified" is one who had completed 20 qualifying years of service) but was not yet age 60 and in receipt of retired pay. This member must have died between September 21, 1972 and October 1, 1978 (date RC-SBP was created).

October 5, 1999 law: Dates of death for Reserve members were expanded to include deaths that occurred any time before October 1, 1978.

Application of the Barring Act. Under the Barring Act, the government will not pay (by law) an amount otherwise owed beyond six years. The ACMSS entitlement program is more than six years old, so an

applicant applying now and meeting either set of qualifications (December 1, 1997; or October 1, 1999) is limited to receiving payments retroactive only from the date of the ACMSS application, not the effective date of either law.

Disqualifiers. The following conditions make an applicant ineligible for ACMSS:

- Remarriage ever (even if currently un-remarried)(ineligible from date of first remarriage);
- Receipt of Dependency & Indemnity Compensation (DIC) from the VA is not a disqualifier but results in a dollar for dollar offset of the ACMSS annuity.
- Receipt of Retired Serviceman's Family Protection Plan (RSFPP) from DOD; or
- Receipt of Minimum Income Widow (MIW) payments from DOD.

Application Process. The application form, DD Form 2769, is available online at:

<https://www.dtic.mil/whs/directives/forms/eforms/dd2769.pdf> or from an Army Retirement Services Officer (RSO).

Approval Authority. The Director, Army Retirement Services is the Secretarial Designee to approve ACMSS applications from qualified surviving spouses. If the application is approved, it is forwarded for payment to DFAS-CL. Whether approved or disapproved, the applicant is notified of the disposition, and documents that accompanied the application are returned.

Annuity Amount. ACMSS annuities are increased annually by the same Cost-of-Living Adjustment (COLA) that is applied to military retired pay and SBP annuities.

10-4. Death Gratuity.

A tax-free, lump-sum death gratuity payment (currently \$100,000) is made to survivors of Retired Soldiers when death occurs during the 120-day period immediately following retirement. DFAS-CL issues this payment only if the VA determines the death was caused by an illness or injury incurred while the Retired Soldier was on active duty. Visit the Web site below to find details on what status the term "active duty" encompasses on this topic.

The death gratuity payment is made to survivors of the deceased in this order:

- To the lawful surviving Spouse of the Service member, if any;
- If there is no surviving Spouse, to any surviving Children of the Service member.
- If there is none of the above, to the surviving parents of the Service member.
- If there is none of the above, to the duly appointed executor or administrator of the estate of the Service member.
- If there is none of the above, to other next of kin of the Service member entitled under the laws of domicile of the Service member at the time of the Service member's death.

The claim form required to apply for this benefit is DD Form 397, Claim Certification and Voucher for Death Gratuity Payment. Find it online at: https://www.esd.whs.mil/Directives/forms/dd0001_0499/.

Additional information on this topic is at:

<https://www.hrc.army.mil/content/CMAOD%20Survivor%20Resources%20Frequently%20Asked%20Questions>

10-5. Government Insurance.

If the Retired Soldier had National Service Life Insurance (NSLI) or U.S. Government Life Insurance (USGLI) at the time of death, the VA will provide the beneficiary with the necessary forms and instructions for making application for insurance payments. Survivors who believe they are insurance beneficiaries but who do not receive application forms and instructions should request them from the nearest VA Regional Office or from the VA Regional Office and Insurance Center, P.O. Box 7208, Philadelphia, PA 19101. Identification of government insurance policies by number will expedite payment of claims. Effective March 1, 2013, the Department of the Treasury has mandated that all payments must be made via Electronic Fund Transfer (EFT) and they will no longer send paper checks.

This means that in order to receive a life insurance payment, VA must send the payment via EFT directly to your bank.

10-6. Dependency and Indemnity Compensation.

Dependency and Indemnity Compensation (DIC) is an annuity payable by the VA to certain survivors of Retired Soldiers whose death is determined to be the result of a service-connected disability. In order for DIC to be payable, the Retired Soldier's death must result from –

- Disease or injury incurred or aggravated in the line of duty while on active duty or active duty for training; or
- Injury incurred or aggravated in the line of duty while on Inactive Duty for Training (IDT) status.

Authorized Beneficiaries. DIC is authorized for surviving spouses and unmarried children under age 18 (as well as those between 18 and 23 if attending a VA-approved school) of certain veterans who were totally service-connected disabled at time of death and whose death was not necessarily the result of a service-connected disability, if:

- the veteran was so rated for a period of not less than 5 years if awarded immediately upon last discharge from military service.
- the veteran was continuously rated totally disabled for a period of 10 or more years, if not awarded immediately upon retirement; or in the case of a surviving spouse of a veteran/Retired Soldier, the marriage to the veteran must have been in effect at least one-year immediately preceding the death of the veteran. (Note: There is no length-of-marriage requirement in active duty deaths.)

Other Benefits. DIC payments are tax-free and not subject to seizure by creditors of either the Retired Soldier or the beneficiary. DIC receipt has no relation to a family member's receipt of Social Security benefits. However, the surviving spouse's SBP annuity will be reduced by the dollar amount of the DIC payment.

Spouse Payment. VA will make monthly DIC payments to the eligible surviving spouse of a Retired Soldier whose cause of death is determined to be service-connected. Payments are made in addition to any other income received by the surviving spouse, but offset the spouse's SBP entitlement dollar-for-dollar. Only an SBP amount above the DIC amount is payable to the surviving spouses. The advantage to receiving DIC payments is that they are tax-free. A more in-depth breakout of amounts payable are found at: https://www.benefits.va.gov/Compensation/current_rates_dic.asp.

Child Payment. The DIC award will be increased for each child under age 18, and for each child over 18 who became permanently incapable of self-support before reaching age 18.

Surviving Spouse Remarriage. DIC payments terminate if the surviving spouse remarries before age 57 (a December 16, 2003 law changed the remarriage age from 55 to 57). DIC eligibility can be restored if the subsequent marriage is dissolved by death or divorce. If eligible for both SBP and DIC, remarriage after age 57 will allow receipt of SBP without an offset by DIC.

Child Eligibility. If there is no surviving spouse entitled to DIC it may be paid to the children of a Retired Soldier meeting the conditions outlined above. To be eligible for DIC payments, a child must be:

- unmarried;
- under the age of 18 (unless permanently incapable of self-support before age 18 or 23);
- pursuing a full-time course of instruction at an approved educational institution. A child who qualifies in this category may continue to receive compensation payments until he or she reaches age 23, terminates education, or marries, whichever occurs first.

Adopted and Stepchildren. A legally adopted child or a stepchild also may qualify for DIC.

Parent or Parent-in-Law. DIC may be paid to a parent/parents of an active or Retired Soldier whose death is the result of a service-connected disability regardless of whether a surviving spouse or child is also being compensated. The term "parent" includes father, mother, father by adoption, mother by adoption, or the person who last stood in loco parentis to the deceased member before his/her entry into the service. This payment is based on their annual income.

Aid and Attendance. Surviving spouses and parents who qualify for DIC may be granted a special allowance for aid and attendance if they are patients in a nursing home, helpless or blind, or so nearly helpless or blind as to require the regular aid and attendance of another person.

Housebound Allowance. Surviving spouses who qualify for DIC who are not so disabled as to require the regular aid and attendance of another person but who, due to disability, are permanently housebound, may be granted a special monthly allowance in addition to the DIC.

Additional DIC information is available at

https://www.benefits.va.gov/COMPENSATION/types-dependency_and_indemnity.asp.

10-7. Survivors Benefits Pension (Formerly Death Pension).

VA will pay a death pension to a surviving spouse whose income falls below a level of support related to a national standard of need. Pensioners will generally receive benefits equal to the difference between their annual income from all sources and the appropriate income standard. In determining eligibility and the amount of benefits payable, all outside income is considered with exclusions for certain unusual one-time payments or expenditures.

Benefits are increased annually at the same time and by the same percentage as Social Security benefits (effective each December 1st; payable in the January 1st check). Most surviving spouses entitled to SBP will receive too much income to qualify for the needs-based death pension.

Application for the death pension is made on the same form as application for DIC payment and should be submitted in the same manner.

A surviving spouse who is granted a death pension will receive an annual income questionnaire from the VA, where they will be required to report their annual income and expected income for the coming year.

It is important that a surviving spouse who is receiving death pension payments report promptly to VA any change in income during the calendar year. Early notification to VA will save the inconvenience of being called upon to refund pension payments that have been received.

10-8. Loan Guarantee.

Some spouses of veterans may have home loan eligibility. They are the unmarried surviving spouse of a veteran who died as a result of service or service-connected causes; the surviving spouse of a veteran who dies on active duty or from service-connected causes, who remarries on or after attaining age 57 and on or after December 16, 2003; the spouse of an active duty member who is listed as missing in action (MIA) or a prisoner of war (POW) for at least 90 days.

10-9. Survivors and Dependents' Educational Assistance Program.

Educational assistance is available to surviving spouses and children of Retired Soldiers who are rated by VA as totally disabled by reason of service-connected disability or who die of injury or disease incurred or aggravated during wartime or in the performance of military duties during peacetime. Education benefits are normally paid for 10 years from the Retired Soldier's death. However, the surviving spouse of a member who dies while serving on active duty may receive 20 years in which to use these benefits (P.L. 108-454, December 10, 2004, Veterans Benefits Improvement Act of 2004, §105.) Children are eligible until age 26, although benefits may be extended in some circumstances. Find additional information on the Dependents' Educational Assistance (DEA) program at:

https://www.benefits.va.gov/gibill/survivor_dependent_assistance.asp.

10-10. Social Security.

Survivors may apply for Social Security benefits at the same time they apply for DIC or VA death pension. The substantiating evidence they submit to VA may also be used by the Social Security Administration (SSA). However, survivors must still make application for Social Security benefits to a SSA office. Submission of separate applications with required substantiating evidence to VA and the SSA will expedite the processing of claims for compensation or pension and Social Security benefits.

10-11. Civil Service Survivor Annuities.

If a Retired Soldier dies while employed by the Federal Government after at least 18 months of creditable Federal civilian service, the surviving spouse and children will automatically get an annuity equal to 55 percent of what is called the "earned annuity", provided they were married for at least 9 months (or there is a child born of the marriage). This annuity is payable immediately upon the death of the employee.

Dependent children of a Retired Soldier who dies while employed by the Federal Government after at least 18 months of creditable civilian service are also entitled to an annuity. Their annuities will continue until the earliest date that they marry, reach 18 (age 22 if in school full time), or die.

Inquiry may be made to the U.S. Office of Personnel Management, 1900 E Street NW, Washington, DC 20415; phone (202) 606-1800; or TTY (202) 606-2532.

Additional information can be found online at: <https://www.opm.gov/>.

10-12. Civil Service Preference.

10 points are added to the exam scores of unmarried surviving spouses of deceased Retired Soldiers who served on active duty during any war, or in any campaign or expedition for which a campaign badge or service medal was authorized.

Mothers. The (natural) mother of a Retired Soldier, who became permanently and totally disabled because of a service-connected disability, is entitled to 10-point preference provided:

- that she was married to the father of the Retired Soldier and the father is permanently and totally disabled.
- is now widowed, divorced, or separated from the Retired Soldier's father and has not remarried
- or is widowed or divorced from the Retired Soldier's father and have remarried, but are now widowed, divorced or separated from the husband of her remarriage.

Most civil service positions are filled through competitive examinations. Persons entitled to 10-point preference for federal civil service employment must attain an eligibility rating in a civil service examination before the 10 points can be added.

Information concerning available federal employment and civil service examinations may be obtained from the official job site USA Jobs, online at <https://www.usajobs.gov>. Examination announcements and application forms also may be obtained from most post offices throughout the U.S.

10-13. State Benefits.

MyArmyBenefits (MAB) provides fact sheets for every state and territory covering the benefits they provide Soldiers, veterans, Retirees and Survivors. Each state is different in their approach to the military and veterans and should be reviewed by Soldiers considering retirement. For example, MAB state fact sheets can be reviewed to ascertain whether military, active duty and retired military or disability pay are exempted from state taxes, or whether individuals and disabled veterans are exempted from property or sales taxes or granted special education assistance and benefits. In some instances, benefits similar to federal tax cancellation exist with respect to income, estate, or inheritance taxes. Many states have passed laws providing certain rights, benefits, and privileges to surviving spouses and children of deceased Soldiers. These include bonuses, educational assistance, employment preference, tax exemptions, and others. Further information is also provided in the MyArmyBenefits state fact sheets about other laws of a particular state and points of contact for local government, and State Agencies for Veterans Affairs. <https://myarmybenefits.us.army.mil/Benefit-Library/State/Territory-Benefits>

10-14. TRICARE Survivor Benefits.

If a sponsor dies after retiring from active duty (either regular or a medical retirement) or the reserve component, surviving family members remain eligible for TRICARE with the same health plan options and costs they had before their sponsor passed away.

Surviving spouses remain eligible for TRICARE unless they remarry and children remain eligible until they age out or lose TRICARE eligibility for other reasons.

For more information on TRICARE Survivor Benefits, please visit <https://tricare.mil/Plans/Eligibility/Survivors>.