

## CHAPTER 9: PREPARING SURVIVORS

### 9-1. Overview.

This section will suggest some of the things you can do now to help your family prepare for the future. It will also summarize the major benefits to which your surviving spouses and, in some cases, children or parents may be entitled.

In planning for the future, it is important to remember that retired pay stops when you die unless you elected to participate in the Survivor Benefit Plan (SBP). Participation in the Retired Serviceman's Family Protection Plan (RSFPP) is also possible if your retirement date was prior to September 21, 1972. Retired Soldiers were permitted to participate in both plans.

You are responsible for ensuring your family understands that they must apply to the appropriate government agencies before survivor benefits can be paid. It is also your responsibility to advise your family to file applications for all benefits for which they might be eligible.

### 9-2. Preparing a Will.

First, you should prepare a will, which expresses your desires for the distribution of your estate. A private attorney or a military legal assistance attorney should prepare your will. It is wise to use witnesses who live in the community and whose addresses are fairly permanent. Choose an executor who will be available to administer your estate and who qualifies under applicable State laws. Keep your will in a safe, known, and easily accessible place. The Department of the Army does not maintain a repository for wills. Estates can be settled faster if the will is retained locally.

### 9-3. Personal Affairs.

Your family's lack of knowledge of your personal affairs may result in considerable inconvenience and even a loss of benefits to your survivors. To minimize difficulties, keep a list of assets and the location of documents that will be needed to apply for them. A checklist is provided for your use at: <https://soldierforlife.army.mil/Retirement/post-retirement> listed under Information for Retired Soldiers and Family Members.

Various papers and documents should be readily accessible to your next of kin at the time of your death. These include your will, life insurance policies, bank books, stocks and bonds, deeds to property, Social Security card, birth certificate, most recent retired pay statement, and final DD Form 214-Certificate of Release or Discharge from Active Duty, (and DD Form 215-Correction to DD Form 214, if applicable), and if you are a Gray Area Retired Soldier, the "Notification of Eligibility for Retired Pay" letter (aka "20-Year Letter").

It is important for your surviving spouse to possess proof of marriage when applying for survivor benefits from the VA or the Social Security Administration. Equally important is proof of termination of any other marriages by you or your spouse.

### 9-4. Army Financial Assistance to Survivors.

AER is the Army's own emergency financial assistance organization - dedicated to "Helping the Army Take Care of Its Own." AER is a private nonprofit organization incorporated in 1942 by the Secretary of War and the Chief of Staff of the Army.

**a) Eligibility.** The following individuals are eligible for assistance from Army Emergency Relief:

- 1) Soldiers retired from active duty because of longevity, or retired upon reaching age 60 (Reserve Component) and their eligible family members.
- 2) Widows(ers) and orphans of Soldiers who died while on active duty or while retired.
- 3) Medically retired Soldiers and their eligible family members.

## **b) Where to get assistance.**

- 1) If you are on an Army installation or have one within a 50-mile radius of your location, click here <https://www.aerhq.org/>.
- 2) For Navy Marine Corps Relief Society locations, <https://www.nmcrs.org>  
For Air Force Aid Society locations, <https://afas.org/>  
For Coast Guard Mutual Assistance locations, <https://www.cgmahq.org>
- 3) In the absence of a military base within a 50-mile radius of your location, AER has a reciprocal support agreement with the American Red Cross to assist Soldiers and their eligible families. AER assistance is available by calling the American Red Cross at 877-272-7337, and selecting option 3 for financial assistance.

If your surviving spouse has an immediate (or later) need for financial assistance, he/she may apply at the nearest installation's Army Emergency Relief (AER) office; at a local American Red Cross (ARC) chapter; or directly to AER Headquarters, 2530 Crystal Drive, Suite 13161, Arlington, VA 22202; or for more information <https://www.aerhq.org/Financial-Assistance>.

## **9-5. Reporting a Retired Soldier's Death to Non-Army Agencies.**

Your family must report your death to the following agencies if you were –

- in receipt of compensation or a pension from the VA, call VA at (800) 827-1000.
- a VA life insurance policyholder, call Veterans Group Life Insurance (VGLI) at (800) 669-8477.
- in receipt of Social Security benefits, call Social Security Administration (SSA) at (800) 772-1213.
- a Civil Service Retiree, call the Office of Personnel Management (OPM): (888) 767-6738, or (202) 606-1800. Please provide OPM the deceased Retired Soldier's full name and date of death, as well as the retirement claim number, if known, and SSN.

## **9-6. Final Pay-Arrears of Pay.**

The person you designate as the beneficiary for your Final Pay (aka Arrears of Pay-AOP) is eligible for a one-time payment which represents the retired pay due from the last pay date to (and including) your date of death.

The Defense Finance & Accounting Service – Cleveland Center (DFAS-CL) will request that the financial institution where your retired pay was sent return the full amount of retired pay deposited through Electronic Funds Transfer (EFT) after your death. To ensure that the final retired pay check is returned if already sent by DFAS-CL, your surviving family members should also notify the bank, instructing them to return the final retired pay. The AOP beneficiary should then apply for your AOP, using DD Form 1174, which is sent by DFAS-CL to the beneficiary on record. Proof of your death must accompany the completed application when it is mailed to: DFAS- U.S. Military Retired Pay, 8899 E 56<sup>th</sup> Street, Indianapolis, IN 46246-1200; or faxed to (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 you, and which were not cashed by you before your 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 you to your designated beneficiary.

## **9-7. Survivor Benefit Plan.**

**a. General.** Your entitlement to retired pay ceases on the day you die. Eligibility to receive any portion of your retired pay passes to your survivor(s) only if you elected to participate in the Survivor Benefit Plan (SBP) when you retired.

It's important to know that, if you did elect SBP, you are still responsible for updating your SBP election during retirement when certain life events occur.

Every issue of *Army Echoes* reminds Retired Soldiers to update their SBP election within one year of a change in 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 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.

#### **b. 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 he/she was 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 will stop if the spouse remarries before age 55 (and can resume 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. Effective January 1, 2020, Congress passed a law that phases out the offset of SBP by DIC. Starting January 1, 2021, the amount of SBP offset by DIC will decrease. Surviving spouses eligible for both DIC and SBP will see the first change in their annuity payments on February 1, 2021. To get the most up to date information on this law change visit, <https://www.dfas.mil/RetiredMilitary/survivors/SBP-DIC-News/>.

If your spouse dies first or you get divorced, SBP costs will stop (if you notify DFAS). In divorce cases, spouse coverage may be converted to former spouse coverage (see the Former Spouse Coverage). In some instances of divorce, a court may require the conversion to provide for the former spouse. Your spouse SBP and premiums will be suspended if your spouse dies or you divorce without a former spouse election.

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 Retired Soldier'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 remarriage 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 your youngest child, your spouse and you. 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 student. Coverage does not end for a child who is incapacitated while eligible to receive SBP. Marriage by a child at any age ends the child's SBP eligibility. If you die while a child is eligible, the 55 percent annuity continues until the child exceeds the age of eligibility. "Eligible children" include 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 premiums 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: Soldiers should research the impact SBP for a fully disabled child may have on other benefits the child receives or will receive. Federal law allows payment of child SBP to a Special Needs Trust (SNT) for an unmarried child who is 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 spouses. The same remarriage limitations also apply. Former spouse coverage precludes spouse coverage at the same time. When court ordered former spouse SBP is elected, the only way to stop the former spouse SBP or change it to spouse SBP is with the death of the former spouse or to have all court orders that apply amended to show former spouse SBP is no longer court ordered.

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.

### **c. Managing Your SBP Election After Retirement**

1) Marriage after Retirement. If you marry after retirement, your new spouse is not an eligible SBP beneficiary until the first anniversary of your marriage. There are two exceptions that provide immediate SBP coverage: (1) the marriage is to your former spouse who was your spouse whom you 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) you marry and have a child of that marriage before the first anniversary. Your 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.

2) Remarriage after Retirement. If you had spouse coverage and lost your spouse through death, divorce, or annulment. Within one-year of remarrying, you must choose one of three options: (1) decline coverage for your new spouse and any future spouse; (2) increase coverage (if your previous SBP election was for reduced spouse coverage); or (3) resume your previous spouse coverage. You must inform DFAS of your remarriage and choice for spouse SBP coverage by the first anniversary or, by law, your new spouse will be automatically enrolled with the previous level of SBP coverage. Your new spouse will be the SBP beneficiary on your first anniversary and you will owe SBP premiums from that date.

3) No Spouse at Retirement. If you were not married at retirement, you may elect spouse SBP coverage during your retirement. However, you must provide DFAS an SBP election form for your new spouse within one year of your marriage or the spouse SBP category will be closed for that spouse and any future spouse. SBP Premiums and coverage for your new spouse will start on the first anniversary of your marriage.

4) In the Event of a Divorce. If you have spouse SBP coverage, you have one year from the date of your divorce to request that DFAS change your SBP election to former spouse SBP coverage either voluntarily, as a result of a court order, or based on a separate written agreement with your spouse. The court may award your spouse 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. Former spouse SBP premiums are retroactive to the date of divorce.

If you take no action within one year of the divorce, you are precluded by law from changing your SBP election to former spouse. In the case of court-ordered SBP, if you fail to change the SBP election to former spouse within one year of your divorce, you may be held in contempt of court.

If you are not ordered to provide former spouse SBP coverage, and choose not to do so voluntarily, you must submit a DD Form 2656-6 (Survivor Benefit Plan Election Change Certificate) to DFAS with a copy of the divorce decree to change your spouse SBP to suspended spouse coverage and stop the spouse SBP premiums retroactive to the date of divorce. You could then resume spouse coverage in the future for a new spouse.

5) Former Spouse "Deemed" SBP Election. A former spouse has one year from the date of divorce to "deem" the SBP election. If SBP is awarded to a former spouse and the member does not change the election to former spouse, the election will be changed as if the Retired Soldier had done it. 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.

If a court awarded former spouse SBP, the former spouse has one-year from the date of the first court order that awarded it to submit a DD Form 2656-10 (SBP/RCSBP Request for Deemed Election) to DFAS with a copy of the divorce and the court order. If former spouse SBP was the result of a written agreement, the former spouse will provide the written agreement awarding former spouse SBP and any court order incorporating, ratifying, or approving the written agreement.

6) Changing Former Spouse SBP to Spouse SBP when the Former Spouse dies. Federal law allows you to change SBP elections from former spouse to spouse after a former spouse's death if either the former spouse's death or the member's marriage is after November 24, 2015.

- If you were married when your former spouse died and the death was after November 24, 2015, you 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 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 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.

7) Child SBP Coverage Changes.

- If you have no eligible children when you retire, you may elect child SBP within one year of acquiring your 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 2656-6 to DFAS with a copy of the documents establishing the child's legal dependency and parent child relationship within one year.
- If you already have child SBP coverage, you should notify DFAS-CL that you 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 disabled child.
  - In order to elect to pay an SBP or RCSBP annuity to an 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 an SNT, the annuity does not count as income for the child which could adversely affect the child's other disability-related benefits.
  - The election of payment of the SBP to an 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 an SNT created for the benefit of the child and is in compliance with all applicable federal and state laws.
  - An 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 an SNT for an incapacitated child.

8) Changing Insurable Interest Beneficiary. Within 180 days of the death of your insurable interest beneficiary, you may elect a new insurable interest beneficiary in writing. For this election to be valid, you must live two years past the effective date of the election. If you die 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 your 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 the age difference between you and your 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.

#### **d) SBP Withdrawal.**

1) If you elected SBP when you retired, you are permitted to terminate or withdraw from the SBP (with spouse or former spouse concurrence) between the 25th and 36th month following the date you began to receive retired pay if your spouse or former spouse concurs in writing. Submit your request for termination between the 25th and 36th month following your retirement date to DFAS on a DD Form 2656-2 (SBP Termination Request). You cannot sign it prior to the start of the 25<sup>th</sup> month.

- No SBP premiums paid will be refunded, no annuity will be payable upon death, and you cannot resume SBP participation 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.

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 your rating was effective after your last date on active duty) or not less than five continuous years if your total disability rating was from your last date of active duty.

- Withdrawal is allowed because the VA will presume your death is service connected and your surviving spouse will receive VA Dependency and Indemnity Compensation (DIC). A request for withdrawal requires the written consent of your beneficiary.
- When you die, your 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.

**Note:** The National Defense Authorization Act of Fiscal Year 2020 enacted the phasing out of the SBP offset by DIC starting January 1, 2020. By January 1, 2023 the SBP offset by DIC will be completely eliminated meaning that the surviving spouses eligible for both SBP and DIC will receive both annuities. Surviving spouses currently eligible for both will see a change in their annuity starting February 1, 2021. For the most up to date information, refer to the following webpage, <https://www.dfas.mil/retiredmilitary/survivors/SBP-DIC-News/>.

3) 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.

4) 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.

### **9-8. Annuities for Certain Military Surviving Spouses.**

To compensate surviving spouses of Retired Soldiers who died before having the opportunity to enroll in the Survivor Benefit Plan (SBP) or the Reserve Component SBP (RCSBP), Congress created the Annuity for Certain Military Surviving Spouses (ACMSS).

## **a) Qualifications.**

### 1) November 18, 1997 law.

- A surviving spouse of a Retired Soldier who was retired prior to September 21, 1972, was receiving retired pay at the time of death, and died before March 21, 1974 (the end date of the initial, 18-month SBP Open Enrollment Season), or
- A surviving spouse of a Reserve Component Soldier who had completed 20 qualifying years of service and but was not yet age 60 and in receipt of retired pay, and who died between September 21, 1972 and October 1, 1978 (date RCSBP was created).

2) October 5, 1999 law. Dates of death for Reserve Component members were expanded to include deaths that occurred any time before October 1, 1978. Under the Barring Act, the government will not pay an amount otherwise owed beyond six years. If the ACMSS entitlement is more than six years, an applicant applying now is limited to receiving payments retroactive from the date of the ACMSS application.

### **b) Disqualifiers.** The following conditions make an applicant ineligible for ACMSS:

- Remarriage ever; or
- Receipt of Retired Serviceman's Family Protection Plan (RSFPP) from DOD; or
- Receipt of Minimum Income Widow (MIW) payments from DOD.
- 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.

### **c) 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).

**d) 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.

**e) 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.

## **9-9. 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.

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/](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>

## **9-10. Government Life Insurance.**

If you have National Service Life Insurance (NSLI) or U.S. Government Life Insurance (USGLI) at the time of your death, the VA will provide your beneficiary with the necessary forms and instructions for applying 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.

## 9-11. Dependency and Indemnity Compensation.

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

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

DIC is tax-free and not subject to seizure by creditors. DIC has no impact on receiving Social Security benefits. A surviving spouse's SBP annuity will be reduced by the dollar amount of the DIC payment until January 1, 2021. The offset will be gradually reduced and eliminated on January 1, 2023.

**b) Authorized Beneficiaries.** 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 disabled at the time of their death and their death was not necessarily the result of a service-connected disability, IF:

- 1) The Veteran was so rated for a period of at least 5 years immediately following their last discharge from military service; or
- 2) 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, the marriage to the Veteran must have been in effect for at least one year immediately preceding the death of the Veteran. (Note: There is no length-of-marriage requirement in active duty deaths.)

**c) Surviving Spouse Remarriage.** DIC payments terminate if the surviving spouse remarries before age 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.

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

- 1) unmarried;
- 2) under the age of 18 (unless permanently incapable of self-support before age 18 or 23);
- 3) 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.

**e) Parent or Parent-in-Law.** DIC may be paid to a parent/parents of an active Soldiers or Veteran 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.

**f) 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.

**g) 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](https://www.benefits.va.gov/COMPENSATION/types-dependency_and_indemnity.asp).

### **9-12. 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 1<sup>st</sup>; payable in the January 1<sup>st</sup> 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.

### **9-13. Loan Guarantee.**

Some spouses of Veterans may have home loan eligibility. If 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 (since 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.

### **9-14. Survivors and Dependents' Educational Assistance Program.**

Educational assistance is available to surviving spouses and children of Veterans 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 Veteran'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. 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](https://www.benefits.va.gov/gibill/survivor_dependent_assistance.asp).

### **9-15. 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.

### **9-16. Civil Service Survivor Annuities.**

If a Veteran 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 Veteran 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/>.

### **9-17. 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.

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.

### **9-18. State Benefits.**

MyArmyBenefits (MAB) provides fact sheets for every state and territory covering the benefits they provide Soldiers, Veterans, Retired Soldiers 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>

### **9-19. TRICARE Survivor Benefits.**

If a sponsor dies after retiring from active duty (either regular or a medical retirement) or a 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, visit <https://tricare.mil/Plans/Eligibility/Survivors>.