



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 if 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. If 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 if 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. 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. **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.
- e. **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 your death is determined to be service connected, 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.

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.

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