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Personal Affairs

A Guide for the Survivors of Deceased Army Members

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SUMMARY of CHANGE

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A Guide for the Survivors of Deceased Army Members

This revision--

- o Updates office symbols and addresses for various agencies
- o Includes new information on benefits and entitlements for the next of kin (chap 3).
- o Adds current information on the Civilian Health and Medical Program of the Uniformed Services (chap 6).
- o Identifies new abbreviations used throughout the text.

RESERVED

FOREWORD

The Department of the Army recognizes that words alone are not enough at this time of great personal loss and sacrifice and that your need has probably never been greater. We are deeply concerned with your immediate problems and want to assist you as much as possible. To ensure that you receive the maximum assistance from the Army, an assistance officer has been designated to help and will visit you. This officer, your Casualty Assistance Officer, will offer whatever assistance the Army is able to provide. When requested, your Casualty Assistance Officer will assist you with the burial arrangements, and advise you of the Government benefits, rights, and privileges to which you are entitled. If you decide to relocate, notify your Casualty Assistance Officer. Appropriate measures for any assistance will be passed to the gaining Casualty Area Commander. This pamphlet will give you a brief explanation of matters we believe to be of immediate interest. After you have read it, feel free to discuss any questions you may have with your Casualty Assistance Officer. The Army's assistance to you or other relatives is not limited to the matters outlined in this pamphlet. If you need other help, it will be provided whenever possible. Many benefits listed in this pamphlet are handled by Government agencies outside the Department of the Army. Any questions concerning benefits handled by those agencies should be addressed directly to the agency involved.

Personal Affairs

A Guide for the Survivors of Deceased Army Members

By Order of the Secretary of the Army:

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The Adjutant General

History. This UPDATE printing publishes a revision of this publication. Because the

publication has been extensively revised, the changed portions have not been highlighted.

Summary. This pamphlet provides guidance for the next of kin of soldiers who die while on active duty in the Army. It includes information regarding immediate rights and future entitlements for the decedent's family.

Applicability. This pamphlet applies to the Active Army, the Army National Guard, and the U. S. Army Reserve.

Proponent and exception authority. Not applicable.

Impact on New Manning System. This pamphlet does not contain information that affects the new Manning System.

Interim changes. Interim changes to this

pamphlet are not official unless they are authenticated by The Adjutant General. Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

Suggested Improvements. The proponent agency of this pamphlet is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028. (Recommended Changes to Publications and Blank Forms) directly to HQDA (DPAC-PED-A), ALEX VA 22331-0400.

Distribution. Active Army, ARNG, USAR-B.

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Glossary

Chapter 1 Introduction

1-1. Purpose

This pamphlet is designed for the family members of the deceased soldier who dies while on active duty. It highlights major benefits and entitlements and briefly describes each.

1-2. References

a. Related publications.

- (1) AR 930-4 (Army Emergency Relief)
- (2) DA Pam 352-2 (Educational Assistance and Opportunities Information for Army Family Members)

b. Referenced forms.

- (1) DD Form 214 (Certificate of Release or Discharge from Active Duty)
- (2) DD Form 397 (Claim Certification and Voucher For Death Gratuity Payments)
- (3) DD Form 1172 (Application for Uniformed Services Identification Card DEERS Enrollment)
- (4) DD Form 1173 (Uniformed Services Identification and Privilege Card)
- (5) DD Form 1300 (Report of Casualty)
- (6) DD Form 1884 (Survivor Benefit Plan-Application for Annuity)
- (7) VA Form 29-8286/SGLV-8286 (Servicemen's Group Life Insurance Election)
- (8) VA Form 40-1330 (Application for Headstone or Marker)

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this pamphlet are explained in the glossary.

Chapter 2 Reports of Death

2-1. General

When a soldier dies, all available facts relating to the death are given to the primary next of kin. A personal visit of a casualty notifier is made, followed by a letter of sympathy from the field commander. If all required information is not available, an interim letter is sent that briefly explains the circumstances.

2-2. Report of casualty

The primary next of kin will be furnished by mail, within 30 days from the date of death, 10 certified copies of the Report of Casualty, DD Form 1300 Report of Casualty issued by Headquarters, Department of the Army, (HQDA). This form may be used by some commercial life insurance companies, for cashing bonds, and for other purposes where proof of death is required. Note that the official Certificate of Death is the DD Form 1300. Frequently, the "Certificate of Death (Overseas)" is mistaken for the official death certificate. This certificate is primarily used to accompany the remains from overseas to the United States. When the DD Form 1300 is issued, DD Form 214 (Certificate of Release or Discharge from Active Duty) will not be provided. Additional certified copies of DD Form 1300 can be obtained by writing to: HQDA (DAPC-PED-A), 2461 Eisenhower Avenue, Alexandria, Virginia 22331-0482. Be sure to include the soldier's full name, social security number, and date of death with your request. Copies of the Report of Casualty are also provided by HQDA to various Government agencies, such as the Veterans Administration, the Social Security Administration, and the U. S. Army Finance and Accounting Center. Non-governmental agencies which are provided copies include the Army Mutual Aid Association, the Army Emergency Relief and the Office of Servicemen's Group Life Insurance.

2-3. Reports of investigations

- a. Line of Duty Report of Investigation.* This investigation

provides the facts and circumstances surrounding the death of a soldier. When a soldier's death is due to natural causes a report is not required. The Line of Duty Report of Investigation is normally received at HQDA approximately 60 to 90 days after the date of death. The report is available from HQDA upon written request from the primary next of kin. Requests for a copy of the report will be processed as expeditiously as possible. Requests should be sent to: HQDA, Attn.: DAPC-PED-A, 2461 Eisenhower Avenue, Alexandria, Virginia 22331-0482. Be sure to include the soldier's full name, social security number, and date of death with your request.

- b. Autopsy Report* The Autopsy Report takes approximately 60 to 90 days after the date of death for completion. It is not normally sent to HQDA. However, upon written request from the primary next of kin, HQDA will request the Autopsy Report from the medical facility where the autopsy was performed. Requests for the report will be processed as expeditiously as possible. Requests should be sent to: HQDA, 2461 Eisenhower Avenue, ATTN.: DAPC-PED-A, Alexandria, Virginia 22331-0482. Be sure to include the soldier's full name, social security number and date of death with your request.

- c. Safety investigation.* Deaths involving Army aircraft accidents are also investigated by the U. S. Army Safety Center, Attn.: CSSC-ZJA, Fort Rucker, Alabama 36362. Requests for copies of the Safety Report should be addressed directly to that agency.

- d. Criminal Investigation Division (CID) Report.* The U. S. Army Criminal Investigation Command (USACIDC) is responsible for investigating deaths that occur on Army installations. The USACIDC will complete a Report of Investigation when the death of a soldier or a soldier's dependent is unnatural (homicide, suicide, or resulting from trauma of undetermined origin). A report will also be prepared when the death is not caused by a readily recognizable disease in which a medical doctor is not in attendance or under suspicious, obscure, or mysterious circumstances. A copy of the USACIDC Report of Investigation can be obtained by writing to: Director, Crime Records Center, USACIDC, 2301 Chesapeake Avenue, Baltimore, Maryland 21222-4099.

Chapter 3 Burial Entitlements

3-1. General

When an Army member dies while on active duty or active duty for training, the Army will assume responsibility for the preparation, casketing, and transportation of the remains to a destination directed by the adult primary next of kin (the person entitled to direct disposition of the remains). However, if you desire, you can engage a funeral director to perform these services and make private arrangements.

3-2. Care of remains provided by military authorities

The following mortuary services and items may be furnished at the expense of the Government:

- a.* Preservation of the remains
- b.* A metal sealer casket that meets Government specifications
- c.* A uniform with accouterments or civilian clothing with appropriate underwear
- d.* Cremation at the written request of the primary next of kin. A suitable engraved urn will also be furnished.
- e.* Transportation of remains to destination
- f.* An escort for the remains
- g.* An interment flag with case to the primary next of kin. In addition, a flag is authorized to the parents. If the parents are legally separated or divorced, one flag is authorized for each parent.
- h.* Interment is a Government cemetery (national or post) with available grave space
- i.* A grave marker furnished by the Veterans Administration
- j.* Interment allowance. An interment allowance will be paid to the primary next of kin to help defray costs of funeral expenses

k. Memorial service allowance. An allowance will be paid to the primary next of kin to help defray costs of memorial service expenses for a soldier whose remains have not been recovered

l. Travel of certain relatives to attend funeral services

3-3. Private arrangements for care and shipment of remains

If you desire to be responsible for the remains and make private arrangements, you may be reimbursed for normal expenses. You should submit a claim, with supporting receipts, to HQDA (DAPC-PEC-D), Alexandria, Virginia 22331-0481. Normally, the military authorities where the death occurred will furnish the claim form, with instructions for completion. Upon receipt of the completed form, HQDA (DAPC-PEC-D) will determine the amount to be allowed. The items which may be considered and their limitations are-

a. Preparation of remains.

(1) When death occurs in the United States, reimbursement is limited to an amount for which the Government could have obtained the services from a Government contractor for embalming and casketing (or cremation and urn). If the area of death is not covered by a contract, the amount allowable or the actual cost will be paid, whichever is less.

(2) When death occurs outside the United States and remains are prepared in other than an Armed Forces mortuary, a reasonable amount will be allowed depending on the circumstances of each case.

b. Transportation. For shipping the remains, reimbursement is limited to the amount it would have cost the Army to ship them by commercial carrier.

c. Interment allowances. The amount currently allowed to help defray costs of funeral expenses. The cost of any of the following items may be included in the request for reimbursement of burial expenses. Maximum allowances are paid depending on circumstances.

- (1) Funeral Coach
- (2) Flowers
- (3) Casket receptacle
- (4) Church services or clergyman's fee or honorarium
- (5) Death notices
- (6) A passenger car for next of kin
- (7) Services of a funeral director, including the use of facilities and equipment
- (8) Single grave site
- (9) Crypt or niche
- (10) Opening and closing of grave or niche (private cemetery)
- (11) Use of cemetery equipment
- (12) Other expenses for burial or inurnment.

3-4. Care of remains when death occurs overseas

a. If death occurs overseas and burial will be in the United States, the remains will be shipped to a U. S. port of entry as soon as possible, normally within 7 to 10 days. Once the remains arrive at the U. S. port of entry, they are dressed, cosmetized, and casketed and moved to final destination. The Commander at the port of entry will advise the consignee and person directing disposition of the remains of the date and time the remains are scheduled to arrive at final destination. The date of the funeral should not be set until the remains have arrived at destination. Weather conditions and airline cancellations can alter scheduled arrival time of the remains. Prematurely setting the funeral date and time will only cause confusion.

b. If the person directing disposition of remains is residing in the overseas command where the death occurred, the overseas commander will contact that person for instructions concerning disposition of remains. Should that person elect to have the remains buried overseas, the overseas command will, in addition to having the remains prepared and placed in a casket, arrange for transportation to the place designated for final burial. Or, if feasible, the overseas command will assist in arranging for burial and will pay the authorized burial allowance.

c. When remains of an Army member cannot be recovered, the Army will provide the following:

(1) Reimbursement for expenses for memorial services, not to exceed the authorized allowance. The primary next of kin should submit itemized receipted bills for the reimbursement of memorial expenses to HQDA, (DAPC-PEC-D), 2461 Eisenhower Avenue, Alexandria, Virginia 22331-0481. A claim for reimbursement will be allowed only if presented for payment within 2 years after officially notified of the death.

(2) Upon request, a memorial flag will be furnished to eligible recipients by the nearest Army installation.

(3) Memorial Marker. (See para 3-8.)

3-5. Burial in Arlington National Cemetery and Army post (installation) cemeteries

Active duty soldiers are eligible for burial in Arlington National Cemetery or any post cemetery having available grave space. The soldier is also eligible for inurnment of cremated remains in Arlington's Columbarium. Requests for burial or inurnment in Arlington should be directed to the Superintendent of Arlington National Cemetery, Arlington, Virginia 22211, telephone number (202)695-3253 or 695-3250. Requests for burial in post cemeteries should be directed to the casualty and mortuary affairs office at the installation where burial is desired.

3-6. Arrangements for burial

The person, usually a funeral director, making arrangements for a burial or inurnment should communicate as soon as possible with the Office of the Superintendent of Arlington National Cemetery, Arlington, Virginia 22211, telephone number (202)695-3253 or 695-3250, or the superintendent of a government cemetery where burial is desired. Information as to the active duty status of the soldier at the time of death must be furnished with the request for burial or inurnment. The remains are not to be shipped to the cemetery, nor the date, time, and place of burial announced in newspapers until notified by a cemetery official. The office at Arlington National Cemetery is open 6 days a week, from 7:30 am to 4:00 pm, Monday through Friday and 9:00 am to 1:00 pm on Saturday.

3-7. Burial in other national cemeteries

Deceased soldiers may also be buried on other national cemeteries where space is available. In some cases, burial is considered for the soldier's spouse, minor children, and adult dependent children. Information on burial in a national cemetery is available from any Veterans Administration office. Requests for burial eligibility should be made directly to the Director of the national cemetery in which burial is desired.

3-8. Headstone or marker

The Government will furnish at no cost, a headstone or marker to mark the grave. Use VA Form 40-1330 (Application for Headstone or Marker), which will be furnished to you by the person escorting the remains to the place of burial, your funeral director or your Casualty Assistance Officer. The completed VA Form 40-1330 must be submitted directly to the Veterans Administration. For more information on the Government Headstone and Marker Program, write to: Director, Headstone Service (42A), Veterans Administration, 810 Vermont Avenue, Washington, DC 20748.

3-9. Military honors

Army installation commanders within the Continental United States (CONUS) are assigned a specific geographic area for military burial honors.

a. Department of Defense and Army policy is to provide full honors whenever possible for active duty personnel and Medal of Honor recipients. However, decisions on whether or not to grant funeral support, and at what level, are left to local commanders. They are most familiar with their resources and competing demands.

b. When burial honors are requested by the next of kin, the Army

Commander must have sufficient notification in order to properly plan, prepare, and transport the funeral detail to the burial site.

c. Full burial honors detail includes—

(1) Officer in charge (OIC) or noncommissioned officer in charge (NCOIC) (determined by rank of the deceased)

(2) Pall Bearers

(3) Firing squad

(4) Bugler (or substitute such as civilian musician or tape recording)

d. If you desire military burial honors, promptly notify your funeral director who will make the necessary arrangements.

Chapter 4 Travel of Dependents and Shipment of Household Goods and Personal Effects

4-1. Travel of dependents

a. The dependents of deceased soldiers who die while serving on active duty for a period of 30 days or more may at Government expense, travel from the place of active duty or the place of residence to the burial site and return to the place of active duty or place of residence.

b. Travel of dependents at Government expense may be provided in one of the following forms:

(1) The dependents may be given Transportation Requests, which are utilized for passage aboard a plane, train, or bus. Assistance in obtaining transportation for dependents is available by contacting the local Installation Transportation Office.

(2) The dependents may purchase their own commercial transportation, and the finance and accounting officer will reimburse them for the actual cost of the tickets not to exceed the amount it would have cost the Government to provide the transportation.

(3) The dependents may receive a per diem allowance when traveling in accordance with paragraph a above. A per diem rate of \$50 per day in CONUS, or the applicable rate in Federal Joint Travel Regulation (FJTR) (Vol. I) for outside CONUS, is authorized in connection with dependent travel. Such per diem may be authorized to accommodate the time needed to complete overseas travel.

c. Only one relocation move is authorized at government expense for each eligible dependent. Transportation is authorized to one of the following destinations:

(1) The member's home of record

(2) The residence of the member's dependents

(3) Another location in which a reasonable relationship can be determined between the condition and circumstances of the dependents and the requested destination. This move must be completed within one year following the date of death, unless an extension is authorized or approved by the Secretary of Army. An extension may be requested by writing to HQDA (DAPE-MBB-C), Washington, DC 20310. To ensure a thorough understanding of transportation entitlements, you should contact your local transportation office.

4-2. Movement of Household Goods

a. Transportation of household goods of deceased soldiers who die while serving on active duty is authorized at Government expense. Transportation of household goods is authorized to—

(1) The member's home of record

(2) The residence of the member's dependents

(3) The residence of the next of kin

(4) The residence of another person entitled to receive custody of household goods, when applicable

b. If the household goods are not moved by the Government, reimbursement is authorized not to exceed the cost the Government would have paid had the shipment been arranged by a transportation officer.

c. Under normal circumstances, the movement of household goods must be completed within a year following the death of the member. When no immediate destination is known, household

goods may be placed in nontemporary storage at Government expense for no more than 1 year from the date of notification of the deceased member's death. If an extension is needed for the shipment of household goods (not for nontemporary storage at Government expense) the dependent or next of kin must submit a request. The transportation officer at the nearest installation is available to answer questions on household goods entitlements and arrange for the transportation/storage of the deceased member's personal property.

4-3. Movement of mobile homes

Dependents are entitled to a transportation allowance for the shipment of a mobile home, in lieu of transportation of baggage and household goods, when a soldier dies while serving on active duty. Transportation is authorized from the old permanent station to a place designated by the dependent provided, the mobile home is to be used by the dependent as a residence at the designated destination. Transportation must be completed within 1 year after the notification of the death of the member. The cost of the transportation will be limited to a cost not to exceed what it would have cost the Government to ship the member's maximum household goods weight allowance to an authorized destination. An extension of the one year time limit may be requested in the same manner as for household goods.

4-4. Shipment of automobile

One privately owned vehicle may also be shipped at Government expense.

a. If the deceased purchased a car in the over sea area, following receipt of transfer orders, there may be additional charges imposed upon entry of the vehicle into the United States. The deceased member's car may be shipped to—

(1) The home of record

(2) The residence of a surviving dependent

(3) The residence of the primary next of kin or other person entitled to receive custody of personal effects

b. Total reimbursement may not exceed the cost that would have been incurred had the vehicle been transported and/or stored at Government expense. Included in this computation is the cost to move the vehicle overland, when authorized.

c. Under normal circumstances, the vehicle must be transported within 1 year following the notification of the death of the member. A time extension may be requested in the same manner as that for household goods.

4-5. Retention of family quarters

Installation commanders are authorized to permit survivors of deceased soldiers who die in the line of duty, to remain in quarters without charge for a period up to 90 days. If the family terminated the quarters prior to 90 days subsequent to soldier's death, copies of the quarters termination orders must be sent to CDR., USAFAC, ATTN.: Dept. 363, Indianapolis, Indiana 46249. The orders will be used to initiate payment of the quarters allowance.

4-6. Personal effects

Personal effects are those items of personal property such as watches, rings, clothing, or currency, that belong to the deceased soldier.

a. A person, in the order of precedence listed below, will be designated as recipient of the deceased soldier's personal effects.

(1) Surviving spouse or legal representative

(2) Eldest child

(3) The parent who directs disposition of the remains

(4) Eldest sibling

(5) The next of kin of legal age in order of relationship to the deceased according to the law of the decedent's domicile

(6) A beneficiary named in the decedent's will.

b. Upon the death of a soldier, the commanding officer of the installation where the decedent was assigned, will collect, safeguard, and inventory the personal effects. If the surviving spouse or legal representative is present where the effects are located, the effects

will be delivered to that person. If the surviving spouse or legal representative is not present where the effects are located, the commanding officer will appoint a summary court officer to collect, safeguard, inventory, and settle the property. The property will be transported to the recipient at Government expense. The summary court officer will communicate with the recipient when the property is to be shipped. Ownership of the property will be governed by the laws of the state in which the soldier maintained legal residency.

Chapter 5 Financial Situation of the Survivor

Section I Initial Payments

5-1. Financial security

The Government has given much study and thought to the needs of its service families and the welfare of the surviving dependents of a deceased soldier. Acts of Congress have provided a program of benefits which generally assures that surviving dependents (particularly widows and children) have an income following the death of a soldier. The income furnished by Government benefits may not be enough to meet all financial needs. However, it does provide substantial financial security. The sources from which your financial security and assistance will come are discussed under appropriate topic headings below.

5-2. Army Emergency Relief (AER)

Although AER is a private nonprofit organization, its mission is solely to help Army people and their dependents including spouses and orphans of deceased Army members. Assistance to spouses and orphans may be given based on an emergency need, a sustaining need, or a special one-time need. Based on reports of casualty; National Headquarters AER sends information to the next of kin regarding AER and how to obtain assistance. If help is not immediately needed, AER suggests retaining this information in case of future need. A request for AER assistance may be made to an AER section at most Army installations or through your local Chapter of the American Red Cross. AER also has an undergraduate educational assistance program for spouses and unmarried dependent children of Army members which is outlined later. Further information regarding AER assistance may be obtained from the nearest AER section or from National Headquarters, AER, Department of the Army, 200 Stovall Street, Alexandria, Virginia 22332-0400.

5-3. American Red Cross

Pending receipt of Government benefits, the American Red Cross can help you meet an emergency financial need, either through direct assistance or other sources of help. If you reside on a military installation, you may contact the American Red Cross field director. If you live in a civilian community, you may request help from the local chapter of the American Red Cross.

5-4. Death gratuity payment

The death gratuity is a lump-sum payment made by the Department of the Army to the survivors of a soldier who dies on active duty, active duty for training, inactive duty for training, or within 120 days after release from active duty, if the death is due to a service-connected disability. The purpose of this payment is to assist the survivors in meeting immediate expenses.

a. Amount of payment. Because of today's pay scale, death gratuity is no longer computed at 6 months base pay plus certain allowances. The maximum amount is \$3,000. When member's financial records are not available locally, and the eligible recipient does not reside within the vicinity of the duty station, a partial payment will be made.

b. To whom payable. By law, only certain persons are eligible to receive death gratuity payments, and an order of precedence has

been established. The soldier cannot change the persons who are eligible. However, if there is no surviving spouse or children, the soldier may designate the order of preference among other eligible persons. Those eligible to receive payment and their order of precedence are—

- (1) The surviving spouse
- (2) The children (if no surviving spouse) in equal shares (without regard to age or marital status)

(3) If designated by the soldier, any one or more of the following persons:

- (a) Parents or persons in loco parentis, in equal shares
- (b) Brothers or sisters (including those of half blood and by adoption) in order of precedence
- (4) The parents in equal shares, if there is no surviving spouse or children and no designation by the deceased.

(5) The brothers and sisters (including those of half blood and by adoption) in equal shares, if there is no surviving spouse, child, or parent and no designation by the deceased.

c. Death before gratuity disbursement. If any person entitled to payment dies before disbursement of the gratuity, payment will be made to the next living person eligible to receive payment in order of precedence.

d. By whom and when payable.

(1) In the case of a spouse residing with the soldier in the vicinity of the member's duty station at time of death, the death gratuity will be paid within 72 hours by the local Finance and Accounting Officer. When there is no surviving spouse or children and the soldier has designated his or her natural parents to receive the death gratuity, they will also be paid immediately by the local Finance and Accounting Officer. In all other cases, payment is made by a finance officer designated for this purpose or by the U. S. Army Finance and Accounting Center.

(2) When payment is to be made by one of the latter offices, a DD Form 397 (Claim Certification and Voucher For Death Gratuity Payments) application form will be mailed, without request, to the persons entitled to the death gratuity pay. Payment may be expected within 90 days after the completed application has been returned to the office from which received. If you have any questions concerning the payment of the death gratuity, contact a local Army Finance office or write to the U. S. Army Finance and Accounting Center, Indianapolis, IN 46249.

5-5. Pay and allowance due

a. Any pay and allowances due to the soldier at the time of death, including pay of earned leave, not in excess of 60 days, will be paid to a designated beneficiary or a legal representative. Normally, pay and allowances due the decedent will be limited to those earned during the month of death or since the last payday. However, settlement may include all accounts due.

b. The soldier has the right to name any person as beneficiary for money remaining due at the time of death and to select the proportion of such amount to be paid to each designated beneficiary. In the absence of a written designation by the soldier, any money due will be paid to the first person or persons in the order of precedence listed below:

- (1) Spouse
- (2) Children in equal shares
- (3) Parents

(4) The duly appointed legal representative of the estate; or, if there is none, to the person determined to be entitled under the laws of the state of domicile of the decedent.

c. The Commander, U. S. Army Finance and Accounting Center, Indianapolis, IN 46429, will automatically forward necessary claim forms to the beneficiaries, or if none, to the primary next of kin soon after death. Settlement will be made as soon as possible after the claim forms are completed.

Section II Other Finances

5-6. Veterans' Education Assistance Program (VEAP)

a. If a deceased soldier participated in VEAP, the amount of his/her unused contributions to the fund are reimbursable to his/her family in the following order:

- (1) Spouse
- (2) Children in equal shares
- (3) Parents in equal shares

(4) If there is no person living listed above, the amount shall be paid to the soldier's estate.

b. Reimbursement of VEAP deposits may be obtained by contacting the nearest Veterans Administration regional office. However, by law, contributions made by a soldier to the GI Bill are not refundable.

5-7. Social security lump-sum death payment

Upon the death of a soldier, a lump-sum death payment, in addition to any monthly payments, may be made to the surviving spouse if living in the same household as the soldier at the time of death. The fact that a soldier was temporarily away from home on a military assignment will not preclude a finding of "living in the same household." If the surviving spouse was not "living in the same household", he or she may still receive the lump sum payment if eligible for or entitled to, benefits on the deceased's social security record for the month of death. If there is no surviving spouse, the lump sum payment may be paid to a child eligible for or entitled to, benefits on the social security of the deceased. The lump-sum payment is no longer paid toward reimbursement of the burial expense or to the funeral home. Application for the lump sum death payment should be made with the nearest social security office.

5-8. Social security benefits

Eligible survivors of deceased soldiers may be eligible for social security payments. The persons eligible and the amount payable are determined by the Social Security Administration. Your Casualty Assistance Officer will escort you to the nearest social security office where the application forms will be completed. Any questions you have concerning social security benefits should be discussed with the social security office.

5-9. Dependency and Indemnity Compensation (DIC)

a. Of all the Government benefits, the DIC will probably be the most important and the primary means of your long-range financial security. This compensation is payable by the Veterans Administration to the eligible survivors of soldiers who die on active duty, active duty for training, or inactive duty training, or after release from active duty if death is due to service-connected disability. However, the Veterans Administration must decide if the death of the soldier is service-connected.

b. DIC payable to a surviving spouse will be at a rate determined by the pay grade of the deceased soldier. DIC is payable for the lifetime of the spouse, provided the spouse does not remarry. Remarriage makes a widow(er) ineligible unless the remarriage was void, has been annulled, or terminated by divorce or death of the second spouse. Income from other sources is not considered in determining eligibility of a spouse for DIC. The only requirement in addition to proof of relationship is that the cause of death be service-connected. The rate of payment for a spouse with one or more children of the deceased veteran is increased for each child.

c. If there is no surviving spouse, DIC will be paid in equal shares to the children of the deceased soldier. A child entitled to DIC, who prior to reaching age 18 became permanently incapable of self-support, will have his or her share of the DIC increased.

(1) If a spouse is receiving DIC and there is also a helpless child who became permanently incapable of self-support prior to the age of 18 years, an additional amount will be paid concurrently with the spouse's entitlement for that child upon reaching age 18.

(2) If a spouse is receiving DIC and there is a child who has

reached the age of 18 and, while under age 23, is pursuing a course at an approved educational institution, an additional amount of DIC will be paid to each such child concurrently with the payment of the DIC to the spouse. In this instance, it is important to note that the Dependents Educational Assistance is available to eligible children, generally, to the age of 26 years. Therefore, it may be to the child's advantage, if the educational program will exceed 36 months, to delay applying for the Dependents Educational Assistance and accept the DIC during the first few years of higher education.

(3) DIC for children is discontinued when they marry regardless of age or status. Children who are entitled to DIC prior to the age of 18, except those who became permanently incapable of self-support prior to that time, are not entitled to DIC after reaching 18 unless they are pursuing a course of instruction at an approved educational institution.

d. The situation of parents is usually quite different from that of the spouse and children with respect to dependency upon the deceased soldier. Payment of DIC to the parents depends on how much income they receive from other sources. Eligible parents may receive compensation even though it is also being paid to a spouse or children. No other relatives are entitled to DIC.

e. When applying for Dependency and Indemnity Compensation the following applies:

(1) Dependency and indemnity benefits are not payable unless you apply. Your Casualty Assistance Officer will escort you to the Veterans Administration to file your application or you can contact a local VA office and request the application be mailed to you.

(2) There are certain documents required to be submitted with your application. Taking these documents with you when you go to the VA normally will expedite the processing and assures an earlier receipt of payments. The supporting documents generally required include:

(a) *Proof of relationship.* The marriage of the spouse to the deceased soldier can be established by the following types of evidence, in the order of preference indicated:

1. A copy of the public or church record of marriage, certified over the signature and seal of the custodian of such records.

2. Affidavit of the clergyman or magistrate who performed the marriage ceremony.

3. Original certificate of marriage accompanied by proof of genuineness.

4. Affidavits of two or more eye witnesses to the ceremony. (Note: If either the soldier or the spouse has been previously married, the evidence of termination of all former marriages by either partner may be required.)

(b) *Proof of Death.* Proof of death includes a copy of the DD Form 1300, a duly certified copy of a coroner's report of death, or a verdict of a coroner's jury.

(c) *Proof of age and relationship of children.* A certified copy of a birth certificate will generally establish both age and relationship of surviving children. If unavailable, certified baptismal records, census records, and school records are other possible sources. If a child is legally adopted, a certified copy of the court order of adoption may be required. (Note: When a claim is being made on behalf of a child over age 18 who is permanently incapable of self-support, medical evidence will be required to show the child became incapable of self-support before reaching age 18.)

(d) *Parents.* An application filed by parents must show all income received from all sources. As there are many items of income which are not counted for these purposes, clearly indicate the source of each item. The sources of income that the VA will deduct are listed on the application form. Parents must furnish evidence of relationship to the deceased soldier. Acceptable proof of birth is that indicated above for a child. (Note: If records of marriage, birth, death, or divorce are not immediately available, applications may be filed without evidence and the missing evidence submitted as soon as available. However, applications cannot be fully processed nor payments made until all evidence is submitted.)

5-10. Survivor Benefit Plan (SBP)

This plan provides an annuity for the surviving spouse of an active

duty soldier who had attained eligibility for retirement. For surviving spouses of retirement-eligible active duty soldiers, the annuity normally will be 55 percent of the retired pay to which the member would have been entitled. The SBP annuity will be reduced by the amount of payments provided under the DIC Program. When the spouse annuitant becomes 62 years of age, the annuity is recalculated to 35 percent of retired pay. For some, the annuity is either recalculated to 35 percent or reduced by social security benefits. The annuitant is then entitled to the greater of the two. The annuity is payable for the life of the spouse unless she remarries before age 55. Casualty Assistance Officers assist eligible survivors of active duty members in completing DD Form 1884 (Survivor Benefit Plan—Application for Annuity), which is forwarded to the Cdr., U. S. Army Finance and Accounting Center, ATTN.: Retired Pay Operations, Dept. 92, Indianapolis, IN 46249. Payment to eligible survivors will be initiated by the Finance and Accounting Center upon signed receipt of the DD Form 1884.

5-11. Reinstated Entitlement Program for Survivors (REPS)

Public Law 97-35, enacted in 1981, reduced or terminated several social security benefits. Among the changes were the termination of the “Mother’s” (or “Father’s”) benefit when the child in custody reaches age 16 (rather than 18) and the elimination or gradual reduction of payments to children between the ages of 18 and 22 whose eligibility is based on school attendance. In 1982, Public Law 97-377 (Quall Amendment) provided for a special payment to replace these “Mother’s” (or “Father’s”) and “School Child” benefits for surviving spouses and children of individuals who either died on active duty prior to August 13, 1981. This special payment provision is administered by the Veterans Administration. This benefit is in addition to any veteran’s benefits to which the surviving spouse or child is entitled because of the service-connected death. An application or written intent to file an application should be submitted to your local VA office. Your Casualty Assistance Officer, local VA office, American Red Cross Chapter, or Veterans Service Organization can assist you in filing an application.

5-12. Servicemen’s Group Life Insurance (SGLI)

a. SGLI is a Group Life Insurance policy purchased from a commercial life insurance company by the VA. An individual policy is not issued to the soldier. The insurance issued under the group policy is term insurance and there are no loan, cash, paid-up, or extended insurance values. The maximum amount of insurance for each eligible member is \$50,000. However, a soldier could have completed and filed a VA Form 29-8286 or SGLV-8286 (Servicemen’s Group Life Insurance Election) indicating in writing not to be insured under this program, or elected in writing to be insured for only \$40,000, \$30,000, \$20,000, or \$10,000. The election form (VA Form 29-8286 or SGLV-8286) signed by the member, which is in the member’s official records, is the official document used in the settlement and payment of the insurance proceeds.

b. *OSGLI*. After the death of a soldier, the Department of the Army certifies the insurance coverage to the Office of Servicemen’s Group Life Insurance (OSGLI), 213 Washington Street, Newark, NJ 070101-9986. OSGLI is responsible for paying the proper beneficiary. The processing time depends on the receipt of necessary documents and information from the member’s organization or records. Normally, the processing is completed in about 45 days. After HQDA certifies the insurance coverage, OSGLI will correspond with the designated beneficiary and forward the necessary claim forms. Benefits paid under SGLI are in addition to any other benefits for which the survivor may be eligible.

c. Soldiers normally specify by name the beneficiary(ies) to receive payment of SGLI in the event of his/her death. When beneficiaries are designated by name, the SGLI proceeds will be paid to those named. If the member does not designate a beneficiary, the law requires that the insurance be paid in the following order of precedence:

- (1) To the spouse. If none, it is payable to

- (2) Decedent’s child or children in equal shares (legitimate or illegitimate), with the share of any deceased child distributed among the descendants of that child. If none, it is payable to

- (3) Parent(s) of the soldier in equal shares. If none, it is payable to

- (4) A duly appointed executor or administrator of the deceased soldier’s estate. If none it is payable to

- (5) The next of kin entitled to payment under the law of the state of residence of the soldier at the time of death.

d. SGLI insurance coverage is terminated on the 31st day of a continuous period of:

- (1) Absence without leave.

- (2) Confinement under a sentence by a civilian court.

- (3) Confinement under a court-martial sentence, involving total forfeiture of pay and allowance. (Note. Any insurance terminated because of absence or confinement, together with any beneficiary in effect at the time of termination, will be restored as of the date the member returns to duty with pay.)

e. Any questions you may have concerning payment of the SGLI should be addressed directly to: OSGLI, 213 Washington Street, Newark, NJ. 07101-9986.

5-13. Commercial Life Insurance

If the deceased soldier was insured by a policy with a commercial life insurance company, the beneficiary should contact, in person or in writing, the nearest representative or home office of the company in reference to settlement. The DA records do not always show if the soldier had commercial life insurance.

5-14. Liability insurance common carrier disasters

In cases of death of a soldier while traveling on a common carrier (train, bus, taxi, plane, or ship), you should contact a legal assistance officer for assistance, if it is established that the soldier’s death was due to the fault or negligence of the carrier concerned.

5-15. U. S. Savings Bonds

Some soldiers have purchased U. S. Savings Bonds and had them sent to the U. S. Army Finance and Accounting Center for safekeeping. If Leave and Earnings Statements (LES) receipts for such bonds are available, they should be sent to the U. S. Army Finance and Accounting Center, Indianapolis, IN 46249, to obtain the bonds. If it is believed that the deceased may have had bonds and receipts that cannot be located, write to the U. S. Army Finance and Accounting Center for information. Include the soldier’s full name, and social security number with your letter.

Chapter 6 Continued Service Benefits and Privileges

Section I Continuing Benefits

6-1. Eligibility

The death of a soldier does not end your rights to certain service benefits and privileges formerly received.

a. You may be eligible to continue to—

- (1) Receive medical care at medical facilities of the uniformed Services.

- (2) Patronize the commissary, post exchange, and motion picture theaters.

- (3) Use other recreation service facilities at military installations, whenever these facilities are available and adequate.

b. Facilities at some installations may be adequate only for the assigned military personnel and their dependents. In such cases, the commander of the facility has the right to deny you use of those facilities which have been determined to be inadequate.

c. To determine if you are eligible for any service benefits and

privileges and to what extent, read carefully the discussion of each under the appropriate headings below.

6-2. Mortgage insurance premiums—Homes insured by the Federal Housing Administration (FHA) and payable by the Army

When a soldier dies while on active duty leaving a surviving widow as owner of the property, payment of mortgage insurance premiums by the Army will extend for 2 years beyond the date of death until the widow disposes of the property, dies or remarries, whichever occurs first. Only those widows of soldiers for which the Army was paying the premiums prior to 1 April, 1980 are eligible.

6-3. Medical care

Dependents of soldiers who dies while serving under a call or orders continue to be eligible for care from the uniformed services facilities and from civilian sources under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). The eligible dependents are:

- a. The unmarried spouse
- b. Unmarried children if—
 - (1) Under 21 years of age; or
 - (2) 21 years of age or older but incapable of self-support because of a mental or physical incapacity that existed before the child's 21st birthday and at the time of death of the soldier was dependent on him or her for over half of the support; or
 - (3) 21 or 22 years of age and taking a full-time course of education that is approved by the Secretary of Defense, the Secretary of Education, or a state agency under Chapters 34 (Veteran's Educational Assistance) and 35 (Survivors' and Dependents' Educational Assistance) of Title 38, U.S.C. Also, the student was, at the time of death of the soldier, dependent on him or her for over one-half of the support;
- c. A parent or parent-in-law (natural or adoptive) who is, or was at the time of death of the soldier, depending on him or her for over one-half of their support and living in a place provided or maintained by the soldier. (Note. Persons who stood in loco parentis (in place of natural parents) are not authorized care from uniformed service facilities or civilian sources. Parents or parents-in-law are not authorized care from civilian sources).
- d. You may obtain further information on CHAMPUS and its benefits by contacting the health benefits adviser at your nearest uniformed service medical treatment facility.

6-4. Commissary

There is a commissary at most military installations and bases. Unremarried spouses are eligible to use commissaries. However, upon approval of the installation or base commander the spouses may designate an agent to buy for them and family members living with them. If the unremarried spouse should choose to live abroad, the commissary privileges would be denied in those countries where the status of forces treaties prohibit granting commissary privileges.

6-5. Post exchange.

The number of services provided by the post exchange will depend largely on the military strength of the installation and the available services from nearby civilian business. Only the unremarried spouse and dependent children are eligible for post exchange privileges.

6-6. Identification for service privileges

To obtain service benefits and privileges to which you are entitled, you must identify yourself as the dependent of the deceased soldier. The only identification authorized in the DD Form 1173 (Uniformed Services Identification and Privilege Card). This is the same type card you may now have. However, the card issued to you while the soldier was living is no longer valid. You must now obtain a new DD Form 1173 to show that you are the dependent of a "deceased" rather than an "active" soldier.

6-7. Motion picture theaters and recreation facilities

The unremarried spouse and unmarried minor children may attend

motion picture theaters at military installations and use recreational facilities available for other dependents.

a. You may obtain the application (DD Form 1172) Uniformed Services Identification and Privilege Card with instructions for its completion through the following channels:

- (1) Your Casualty Assistance Officer
- (2) By going to or writing the nearest military installation ID Card Issuing facility.

b. The benefits and privileges to which the bearer of a card are entitled will be marked. Eligibility must be documented by presenting legal documentation to the ID Card Issuing facility. Documentation must include copies of the following:

- (1) DD Form 1300, Report of Casualty (Army's Certificate of Death) or Civilian Death Certificate.
- (2) Marriage certificate (for spouse)
- (3) Birth certificate (for children) adoption papers (if applicable)
- (4) Dependent children over 21 years of age, need certification of full time student status reflecting anticipated date of graduation, or a dependency determination approved by the United States Finance and Accounting Center (for physical or mental incapacity which existed prior to age 21).

c. The card is issued to all surviving dependents 10 years of age or over who are eligible for one or more privileges. Children under 10 years of age will be identified by the card issued their surviving parent. If the parent is deceased, remarried, or was divorced from the soldier, a separate card will be issued to a child under age 10. The card is honored for the benefits and privileges authorized and available at all military installations and the U. S. Public Health Service.

Section II Miscellaneous Rights and Privileges

6-8. Entitlement

There are other Federal and State rights and benefits not previously mentioned in this pamphlet to which you may be entitled. Due to the limited circumstances under which these rights and benefits are available, they are discussed under this category. Read the brief discussion of each right or benefit carefully. If you then believe yourself to be qualified, obtain further information from the office named in the discussion of each right or benefit.

6-9. Civil Service job preference

An unremarried spouse may be authorized a 10-point veterans' service preference for Federal Civil Service employment if the soldier had service in wartime, or served in a peacetime campaign, or expedition for which a campaign badge or service medal has been authorized, or served from 28 April 1952 to 1 July 1955. Information concerning available Federal employment opportunities are listed in most telephone directories under "United States Government," or by writing Office of Personnel Management, 1900 E Street, NW, Washington, DC 20006-5017.

6-10. Federal tax benefits

a. *Income Taxes.* Section 692 of the Internal Revenue Code provides for canceling income tax of a soldier who died in a combat zone or from wounds, disease, or injury incurred while so serving. The cancellation applies to taxes for the year within which the soldier died and for any prior year ending on or after the first day they served in a combat zone after 24 June, 1950. Any questions concerning Federal income taxes should be addressed to the Internal Revenue Service (IRS) office that services your area.

b. *Estate taxes.* Federal estate taxes are significantly reduced by Section 2201 of the Internal Revenue Code for a soldier who was killed in action while serving in a combat zone or who died as a result of wounds, disease, or injury suffered while serving in a combat zone. (Note. State Tax laws should be reviewed to determine whether similar benefits exist with respect to their income, estate, or inheritance taxes).

6-11. Claims for loss or destruction of personal property

If the deceased soldier or a dependent has suffered loss, damage, or a destruction of personal property related to the member's military service, you may be entitled to reimbursement for the losses or damages provided reimbursement has not been made. This includes damages to or destruction of, property related to transportation of household goods and personal effects. No reimbursement will be made if the soldier or dependents failed to protect their property adequately. If you believe you are entitled to file a claim, contact the nearest Army installation claims office as soon as possible for help in filing your claim. To be considered, the claim must be filed within 2 years following discovery of the loss or damage.

6-12. Posthumous promotions

If the deceased soldier has been officially recommended for promotion to the grade of E5 or above only, but did not receive it because of death, the promotion will be made posthumously by HQDA and forwarded to the primary next of kin by personal letter. A request is not necessary. The name of a deceased soldier who is promoted posthumously is carried on the records of the Army as having served in the higher grade. However, such a promotion is honorary only, and does not entitle the primary next of kin to receive any bonus, gratuity pay, allowances or benefits based on the higher grade.

6-13. Posthumous awards

a. If the commander of the deceased soldier has approved an award to the late soldier, an appropriate presentation based upon your desires will be arranged. The decoration will normally be presented to you by your Casualty Assistance Officer or an officer designated by the Commander having casualty area responsibility.

b. If you do not have, but want medals awarded to the soldier before his or her death, a written request may be sent to the Cdr. ARPERCEN, ATTN.: DARP-PSE-AW, 9700 Page Boulevard, St. Louis, MO 63132-5200. Your letter should be accompanied by a copy of the death certificate and documents substantiating the requested awards. This does not apply to the Medal of Honor, Distinguished Service Cross, or the Distinguished Service Medal; these may only be replaced to the person who originally received the medal. Also excluded are foreign awards, which are not stocked by the U. S. Government.

6-14. Home loan guarantee by the Veterans Administration

Unremarried surviving spouses of veterans and service personnel, who served between September 16, 1940 and the present and who died from service-connected disabilities, may be eligible for GI Home Loan Benefits. If the unremarried surviving spouse plans to secure a GI Loan, he or she should apply to the nearest Veterans Administration Regional Office or Center for a determination of eligibility.

6-15. State benefits

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 about the laws of a particular state can be obtained from local government officials, the nearest Veterans Administration office, State Agency for Veterans Affairs, or local veterans organizations.

Section III General

6-16. Education

The Department of the Army has a strong interest in ensuring that surviving children obtain a quality education. Congress has also recognized this need by providing payment of Dependent's Educational Assistance.

a. Various scholarship programs for the children of deceased

soldiers', particularly those with wartime service, have been established by individual states, colleges and universities, and other groups interested in the education of these children. Normally, these scholarships are awarded on the basis of need or the applicant's previous scholastic attainments and qualities of leadership, or a combination of both.

b. The Veterans Administration administers the Dependents' Educational Assistance Act. This act provides benefits to spouses, surviving spouses, and children of 100 percent service-connected disabled veterans or veterans who died from a service-connected disability, or veterans who die while a service-connected disability was rated total and permanent, and dependents of certain prisoners of war (POWs) and missing in action (MIAs). The act provides an educational aid allowance for a maximum of 45 months. Generally, students must be between the ages of 18 and 26. A child's marriage does not affect entitlement. Their program of education must be approved by the Veterans Administration (VA).

c. Educational benefits have been phased out under Social Security Act provision for eligible dependent students ages 18-22. Those whose disability was incurred or aggravated on or before August 1, 1981, who meet former Social Security Program eligibility requirements, are paid appropriate benefits through the VA. You should contact both your nearest Social Security and/or regional VA offices for details.

d. AER has an undergraduate educational assistance program for spouses and unmarried dependent children of Army soldiers (active, retired and deceased). AER's program includes loans and scholarships. The number of scholarships for children is limited and they are based primarily on financial need with due consideration of academic achievements and individual accomplishments. The loans are sponsored by AER and by United Student Aid Funds, Inc., a private nonprofit organization, and made available under the Federal Guaranteed Student Loan Program to students and to parents for their spouses and dependent children under the Federal Guaranteed Parent Loans for Undergraduate Students Program. For educational assistance, application forms or additional information, write to: National Headquarters, AER, Department of the Army, 200 Stovall Street, Alexandria, Virginia 22332-0400.

e. The American Legion publishes a booklet entitled, "Need a Lift?" It is available from the American Legion, Emblem Sales, PO Box 1055, Indianapolis, IN 46206, for one dollar prepaid. Published annually, the booklet contains helpful information not only for veterans, but anyone seeking to further his/her education.

f. You may obtain information and suggestions on possible educational financial assistance opportunities by contacting either an Army Education Center near you or writing HQDA (DPAC-PDE-S) Alexandria, VA 22331-0482.

g. The Director of Student Financial Aid at each college will be able to furnish information on educational financial assistance programs administered by his or her office.

h. Students who are dependents of DOD sponsors who die while entitled to compensation or active duty pay, may be enrolled in the Department of Defense Overseas Dependents Schools (DODDS) on a space available, tuition-free basis. Before deciding to go to an overseas school, it is advisable to obtain current information on eligibility from the Army Community and Family Support Center, HQDA, (DACF-FSY-E), Alexandria, Virginia 22331.

6-17. Available legal counsel and assistance

You may need legal advice and assistance on various benefits and entitlements, insurance, taxation, and other matters which arise in connection with the soldier's death.

a. From time to time, there may be additional matters on which you would like an attorney's help. You should consult a Legal Assistance Officer when such problems arise.

(1) The legal assistance officer is a qualified attorney and can provide advice and assistance for a wide variety of civil legal matters. The legal assistance officer can also prepare a variety of legal documents, including wills and powers of attorney.

(2) Some services, such as appearances before courts and administrative agencies and some assistance, such as criminal matters, are

outside the scope of the Legal Assistance Program. Therefore, you may need the services of a civilian attorney in these matters. If you do not know a civilian attorney, the legal assistance officer can refer you to an attorney through the local bar association.

b. Government agencies such as the Veterans Administration, Social Security Administration, and U. S. Army Finance and Accounting Center will assist you in connection with processing your claim for benefits without the need for civilian attorney or expense to you. However, in case of factual disputes or conflicting claims, it might be advisable to obtain a civilian attorney to help you.

c. In general, Government benefits and proceeds of Government Life Insurance are exempt from attachment or levy to satisfy the claims of creditors.

d. You may also wish to contact the nearest office of the Internal Revenue Service for information and help regarding your Federal tax status. Social security benefits, death gratuity payments, burial benefits, Veterans Administration pension and compensation payments, and the face amount of all life insurance policies *are excluded from gross income for income tax purposes*. A statement of the amounts of Federal income taxes and social security taxes withheld and the amount of taxable ages paid to the soldier prior to death will be furnished the primary next-of-kin or the administrator of the estate by the U. S. Army Finance and Accounting Center. This statement will be furnished without request following the settlement of accounts.

Glossary

Section

Abbreviations

AER

Army Emergency Relief

ARPERCEN

U. S. Army Reserve Personnel Center

CDR

Commander

CHAMPUS

Civilian Health and Medical Program of the Uniformed Services

CONUS

continental United States

DIC

Dependency and Indemnity Compensation

DOD

Department of Defense

DODDS

Department of Defense Overseas Dependents Schools

FHA

Federal Housing Administration

FJTR

Federal Joint travel Regulation

HQDA

Headquarters, Department of the Army

LES

leave and earnings statement

MIA

missing in action

NCOIC

noncommissioned officer-in-charge

OIC

officer-in-charge

OSGLI

Office of the Servicemen's Group Life Insurance

POW

prisoner of war

REPS

Reinstated Entitlement Program for Survivors

SA

Secretary of the Army

SBP

Survivor Benefit Plan

SGLI

Servicemen's Group Life Insurance

USACIDC

U. S. Army Criminal Investigation Command

USAFAC

U. S. Army Finance and Accounting Center

USC

United States Code

VA

Veterans Administration

VEAP

Veterans Education Assistance Program

Section II

Terms

Active duty soldier

Individuals serving in the Active Component, including Reserve Component personnel on extended active duty (EAD), full-time active duty (Active Guard/Reserve-AGR), and active duty support status.

Adult next of kin

That adult highest in the line of succession except a surviving spouse who is a minor, will be considered the adult next of kin.

Base pay

The monthly amount of pay due the soldier based on grade and length of service. However, base pay does not include the following:

a. Allowance-subsistence, quarters, uniform, etc.

b. Incentive pay for hazardous duty, parachute duty, demolition duty, flight duty, etc.

c. Special pay—foreign and sea duty pay, special pay for Medical, Dental, and Veterinary Corps officers, proficiency pay for enlisted members, hostile fire pay, etc.

Beneficiary

The person (or persons) who, according to law or written designation of the soldier, is entitled to receive certain benefits. A beneficiary may be one person for the death gratuity, while another person may receive the descendant's unpaid pay and allowances. The designation of beneficiaries for death gratuity and unpaid pay and allowances does not, for instance, affect the designation of beneficiaries of life insurance, either commercial or Government sponsored, or for benefits administered by agencies outside the Army. Beneficiaries for life insurance are as designated by the insured person in the policies.

Child

A legitimate child, a legally adopted child, a stepchild (provided such stepchild was a member of the deceased soldier's household), or an illegitimate child where the deceased soldier has been properly recognized as the father.

Dependent

With respect to a member of the Army, dependent means:

a. Spouse.

b. Unmarried child (including any of the following categories of children if the child is in fact dependent on the member: a legitimate child, a stepchild, an adopted child; or an illegitimate child whose alleged father has been judicially decreed to be the father of the child or judicially ordered to contribute to the child's support, or whose parentage has been admitted in writing by the member, who either—

(1) Is under 21 years of age; or

(2) Is incapable of self-support because of a mental or physical incapacity, and in fact relies on the member for over one-half of dependent's support.

c. A parent (including a stepparent or parent by adoption, and any person, including a former stepparent, who has stood in place of the natural parents to the member at any time for a continuous period of at least 5 years before the soldier reached 18 years of age) who in fact relies on member for over one-half of dependent's support. However, the dependency of such a parent is determined on the basis of an affidavit submitted by the parent and any other evidence required under regulations prescribed by the Secretary of the Army (SA), and the parent is not considered a dependent of the member claiming the dependence unless—

(1) The member has provided over one-half of the support for the period prescribed by the SA; or

(2) Because of changed of changed circumstances arising after the member enters on active duty, the dependent in fact relies on the member for over one-half of dependent's support. The relationship between a stepparent and stepchild is terminated by the stepparent's divorce from the parent by blood.

Next of kin

The nearest relative in the following line of succession: spouse, sons or daughters in the order of seniority; parents in order of seniority, unless legal custody was granted to another person by reason of a court decree or statutory provision, that blood or adoptive relative of the individual who was granted legal custody of the individual by reason of a court decree or statutory provision, brothers or sisters in the order of seniority, other relatives in order of relationship to the individual in accordance with the laws of the descendant's domicile, and a person in loco parentis (person who stood in place of natural parents to the soldier).

Parent/loco-parentis

The natural father or mother, father or mother through adoption, or person who stood in relationship of a parent to the deceased for a period of at least 5 years prior to the soldier reaching 18 years of age.

Primary next of kin

the legal next of kin. That person of any age

most closely related to the individual according to the line of succession shown above. Seniority, as determined by age, will control when the persons are of equal relationship.

Secondary next of kin

Any next of kin other than the primary next of kin.

Service-connected

A service-connected death must have occurred in the line of duty, and not as a result of the deceased soldier's willful misconduct or negligence. It is not necessary that death occur while actually performing military duties or during military operations to be service-connected.

Unmarried spouse

A widow or widower who has remarried and through annulment, divorce, or death is no longer married.

Unremarried spouse

A widow or widower of a deceased soldier who has not remarried.

Section III

Special Abbreviations and Terms

This section contains no entries.

Unclassified

PIN 004864-000

USAPA

ELECTRONIC PUBLISHING SYSTEM
TEXT FORMATTER ... Version 2.45

PIN: 004864-000
DATE: 11-17-98
TIME: 10:10:38
PAGES SET: 17

DATA FILE: s466.fil
DOCUMENT: DA PAM 608-4
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