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Chapter 12 Dependents and Survivors Benefits

Dependents and Survivors Benefits

Death Gratuity Payment

Military services provide payment, called a death gratuity, in the amount of \$100,000 to the next of kin of Servicemembers who die while on active duty (including those who die within 120 days of separation) as a result of service-connected injury or illness.

If there is no surviving spouse or child, then parents or siblings designated as next of kin by the Servicemember may be provided the payment. The payment is made by the last military command of the deceased. If the beneficiary is not paid automatically, application may be made to the military service concerned.

Dependency and Indemnity Compensation

Eligibility: For a survivor to be eligible for Dependency and Indemnity Compensation (DIC), the Veteran's death must have resulted from one of the following causes:

1. A disease or injury incurred or aggravated in the line of duty while on active duty or active duty for training.
2. An injury, heart attack, cardiac arrest, or stroke incurred or aggravated in the line of duty while on inactive duty for training.
3. A service-connected disability or a condition directly related to a service-connected disability.

DIC also may be paid to certain survivors of Veterans who were totally disabled from service-connected conditions at the time of death, even though their service-connected disabilities did not cause their deaths. The survivor qualifies if the Veteran was:

1. Continuously rated totally disabled for a period of 10 years immediately preceding death; or
2. Continuously rated totally disabled from the date of military discharge and for at least 5 years immediately preceding death; or
3. A former POW who died after Sept. 30, 1999, and who was continuously rated totally disabled for a period of at least one year immediately preceding death.

Payments will be offset by any amount received from judicial proceedings brought on by the Veteran's death. When the surviving spouse is eligible for payments under the military's Survivor Benefit Plan (SBP), only the amount of SBP greater than DIC is payable. If DIC is greater than SBP, only DIC is payable. The Veteran's discharge must have been under conditions other than dishonorable.

Payments for Deaths After Jan. 1, 1993: Surviving spouses of Veterans who died on or after Jan. 1, 1993, receive a basic rate, plus additional payments for dependent children, for the aid and attendance of another person if they are patients in a nursing home or require the regular assistance of another person, or if they are permanently housebound.

Aid and Attendance and Housebound Benefits

Surviving spouses who are eligible for DIC or death pension may also be eligible for Aid and Attendance or Housebound benefits. They may apply for these benefits by writing to their VA regional office. They should include copies of any evidence, preferably a report from an attending physician or a nursing home, validating the need for Aid and Attendance or Housebound type care. The report should be in sufficient detail to determine whether there is disease or injury producing physical or mental impairment, loss of coordination, or conditions affecting the ability to dress and undress, to feed oneself, to attend to sanitary needs, and to keep oneself ordinarily clean and presentable. In addition, it is necessary to determine whether the claimant is confined to the home or immediate premises.

DIC rates (Veteran died on or after Jan. 1, 1993.)	
Allowances	Monthly Rate
Basic Payment Rate	\$1,195
Additional Allowances:	
Each Dependent Child	\$296
Aid and Attendance	\$296
Housebound	\$139

Special Allowances: Add \$254 if the Veteran was totally disabled eight continuous years prior to death. Add \$259 to the additional allowance if there are dependent children under age 18 for the initial two years of entitlement for DIC awards commencing on or after Jan. 1, 2005.

Payments for Deaths Prior to Jan. 1, 1993: Surviving spouses of Veterans who died prior to Jan. 1, 1993, receive an amount based on the deceased's military pay grade.

*DIC Rates (Veteran who prior to Jan. 1, 1993)					
Enlisted	Rate	Warrant	Officer	Rate	
E-1	\$1,195	W-1	\$1,262	O-1	\$1,262
E-2	\$1,195	W-2	\$1,312	O-2	\$1,305
E-3	\$1,195	W-3	\$1,351	O-3	\$1,395
E-4	\$1,195	W-4	\$1,429	O-4	\$1,478
E-5	\$1,195			O-5	\$1,627
E-6	\$1,195			O-6	\$1,834
E-7	\$1,236			O-7	\$1,980
E-8	\$1,305			O-8	\$2,175
E-9	\$1,361			O-9	\$2,326
				O-10	\$2,551

***Parents' DIC:** VA provides an income-based monthly benefit to the surviving parent(s) of a Servicemember or Veteran whose death was service-related. When countable income exceeds the limit set by law, no benefits are payable. The spouse's income must also be included if living with a spouse.

A spouse may be the other parent of the deceased Veteran, or a spouse from remarriage. Unreimbursed medical expenses may be used to reduce countable income. Benefit rates and income limits change annually.

Restored Entitlement Program for Survivors: Survivors of Veterans who died of service-connected causes incurred or aggravated prior to Aug. 13, 1981, may be eligible for a special benefit payable in addition to any other benefits to which the family may be entitled. The amount of the benefit is based on information provided by the Social Security Administration.

Death Pension

VA provides pensions to low-income surviving spouses and unmarried children of deceased Veterans with wartime service.

Eligibility: To be eligible, spouses must not have remarried and children must be under age 18, or under age 23 if attending a VA-approved school, or have become permanently incapable of self-support because of disability before age 18.

The Veteran must have been discharged under conditions other than dishonorable and must have had 90 days or more of active military service, at least one day of which was during a period of war, or a service-connected disability justifying discharge. Longer periods of service may be required for Veterans who entered active duty on or after Sept. 8, 1980, or Oct. 16, 1981, if an officer. If the Veteran died in service but not in the line of duty, the death pension may be payable if the Veteran completed at least two years of honorable service.

Children who become incapable of self-support because of a disability before age 18 may be eligible for the death pension as long as the condition exists, unless the child marries or the child's income exceeds the applicable limit.

Payment: The death pension provides a monthly payment to bring an eligible person's income to a level established by law. The payment is reduced by the annual income from other sources such as Social Security. The payment may be increased if the recipient has unreimbursed medical expenses that can be deducted from countable income.

Aid and Attendance and Housebound Benefits

Surviving spouses who are eligible for VA death pension may also be eligible for Aid and Attendance or Housebound benefits, which increase the maximum annual pension rate. An eligible individual may qualify if he or she requires the regular aid of another person in order to perform personal functions required for everyday living, or is bedridden, a patient in a nursing home due to mental or physical incapacity, blind, or permanently and substantially confined to his/her immediate premises because of a disability.

Surviving spouses who are ineligible for basic death pension based on annual income may still be eligible for Aid and Attendance or Housebound benefits because a higher income limit applies. In addition, unreimbursed medical expenses for nursing-home or home-health care may be used to reduce countable annual income, which may result in a higher pension benefit.

To apply for Aid and Attendance or Housebound benefits, write to a VA regional office. Please include copies of any evidence, preferably a report from an attending physician or a nursing home, validating the need for Aid and Attendance or Housebound type care. The report should be in sufficient detail to determine whether there is disease or injury producing physical or mental impairment, loss of coordination, or conditions affecting the ability to dress and undress, to feed oneself, to attend to sanitary needs, and to keep oneself ordinarily clean and presentable. In addition, it is necessary to determine whether the claimant is confined to the home or immediate premises.

Death Pension Rates	
Recipient of Pension	Maximum Annual Rate
Surviving spouse	\$8,219
(With dependent child)	\$10,759
Permanently housebound	\$10,046
(With dependent child)	\$12,582
Needs regular aid & attendance	\$13,138
(With dependent child)	\$15,673
Each additional dependent child	\$2,093
Pension for each surviving child	\$2,093

Survivors' & Dependents' Educational Assistance

Eligibility: VA provides educational assistance to qualifying dependents as follows:

1. The spouse or child of a Servicemember or Veteran who either died of a service-connected disability, or who has permanent and total service-connected disability, or who died while such a disability existed.
2. The spouse or child of a Servicemember listed for more than 90 days as currently Missing in Action (MIA), captured in the line of duty by a hostile force, or detained or interned by a foreign government or power.
3. The spouse or child of a Servicemember who is hospitalized or is receives outpatient care or treatment for a disability that is determined to be totally and permanently disabling, incurred or aggravated due to active duty, and for which the service member is likely to be discharged from military service.

Surviving spouses lose eligibility if they remarry before age 57 or are living with another person who has been recognized publicly as their spouse. They can regain eligibility if their remarriage ends by death or divorce or if they cease living with the person. Dependent children do not lose eligibility if the surviving spouse remarries. Visit www.gibill.va.gov/ for more information.

Period of Eligibility: The period of eligibility for Veterans' spouses expires 10 years from either the date they become eligible or the date of the Veteran's death. VA may grant an extension. Children generally must be between the ages of 18 and 26 to receive educational benefits, though extensions may be granted.

The period of eligibility for spouses of Servicemembers who died on active duty expires 20 years from the date of death. This is a change in law that became effective Dec. 10, 2004. Spouses of Servicemembers who died on active duty whose 10-year eligibility period expired before Dec. 10, 2004, now have 20 years from the date of death to use educational benefits. Effective Oct. 10, 2008, Public Law 110-389 provides a 20-year period of eligibility for spouses of Veterans with a permanent and total service-connected disability rating effective within 3 years of release from active duty.

Payments: The payment rate effective Oct. 1, 2011, is \$957 a month for full-time school attendance, with lesser amounts for part-time. Benefits are paid for full-time training up to 45 months or the equivalent in part-time training.

Training Available: Benefits may be awarded for pursuit of associate, bachelor, or graduate degrees at colleges and universities; independent study; cooperative training study abroad certificate or diploma from business, technical or vocational schools, apprenticeships, on-the-job training programs; farm cooperative courses; and preparatory courses for tests required or used for admission to an institution of higher learning or graduate school. Benefits for correspondence courses under certain conditions are available to spouses only. Beneficiaries without high-school degrees can pursue secondary schooling, and those with a deficiency in a subject may receive tutorial assistance if enrolled half-time or more.

Special Benefits: Dependents over age 14 with physical or mental disabilities that impair their ability to pursue an education may receive specialized vocational or restorative training, including speech and voice correction, language retraining, lip reading, auditory training, Braille reading and writing, and similar programs. Certain disabled or surviving spouses are also eligible.

Marine Gunnery Sergeant John David Fry Scholarship

Children of those who die in the line of duty on or since Sept. 11, 2001, are potentially eligible to use Post-9/11 GI Bill benefits. Refer to Chapter 4, "Education and Training", for more details.

Work-Study: See page 49

Counseling: VA may provide counseling to help participants pursue an educational or vocational objective.

Montgomery GI Bill (MGIB) Death Benefit: VA will pay a special MGIB death benefit to a designated survivor in the event of the service-connected death of a Servicemember while on active duty or within one year after discharge or release. The deceased must either have been entitled to educational assistance under the MGIB program or a participant in the program who would have been so entitled but for the high school diploma or length-of-service requirement. The amount paid will be equal to the participant's actual military pay reduction, less any education benefits paid.

Children of Veterans Born with Certain Birth Defects Children of Vietnam or Korean Veterans Born with Spina Bifida: Biological children of male and female Veterans who served in Vietnam at any time during the period beginning Jan. 9, 1962 and ending May 7, 1975, or who served in or near the Korean demilitarized zone (DMZ) during the period beginning Sept. 1, 1967 and ending August 31, 1971, born with spina bifida may be eligible for a monthly monetary allowance, and vocational training if reasonably feasible.

The law defines "child" as the natural child of a Vietnam Veteran, regardless of age or marital status. The child must have been conceived after the date on which the Veteran first entered the Republic of Vietnam. For more information about benefits for children with birth defects, visit www.va.gov/hac/forbeneficiaries/spina/spina.asp.

A monetary allowance is paid at one of three disability levels based on the neurological manifestations that define the severity of disability: impairment of the functioning of extremities, impairment of bowel or bladder function, and impairment of intellectual functioning.

2012 VA Benefits for Children of Vietnam or Korean Veterans Born with Spina Bifida			
	Level I	Level II	Level III
Monthly Rate*	\$297	\$1,020	\$1,739

Children of Women Vietnam Veterans Born with Certain Birth Defects: Biological children of women Veterans who served in Vietnam at any time during the period beginning on Feb. 28, 1961 and ending on May 7, 1975, may be eligible for certain benefits because of birth defects associated with the mother's service in Vietnam that resulted in a permanent physical or mental disability.

The covered birth defects do not include conditions due to family disorders, birth-related injuries, or fetal or neonatal infirmities with well-established causes. A monetary allowance is paid at one of four disability levels based on the child's degree of permanent disability.

2012 VA Benefits for Children of Women Vietnam Veterans Born with Certain Birth Defects				
	Level I	Level II	Level III	Level VI
Monthly Rate*	\$136	\$297	\$1,020	1,739

Vocational Training: VA provides vocational training, rehabilitation services, and employment assistance to help these children prepare for and attain suitable employment. To qualify, an applicant must be a child receiving a VA monthly allowance for spina bifida or another covered birth defect and for whom VA has determined that achievement of a vocational goal is reasonably feasible. A child may not begin vocational training before his/her 18th birthday or the date he/she completes secondary schooling, whichever comes first. Depending on need and eligibility, a child may be provided up to 24 months of full-time training with the possibility of an extension of up to 24 months if it is needed to achieve the identified employment goal.

Other Benefits for Survivors

VA Home Loan Guaranty

A VA loan guaranty to acquire a home may be available to an unmarried spouse of a Veteran or Servicemember who died as a result of service-connected disabilities, a surviving spouse who remarries after age 57, or to a spouse of a Servicemember officially listed as MIA or who is currently a POW for more than 90 days. Spouses of those listed MIA/POW are limited to one loan.

"No-Fee" Passports

"No-fee" passports are available to immediate family members (spouse, children, parents, brothers and sisters) for the expressed purpose of visiting their loved one's grave or memorialization site at an American military cemetery on foreign soil. For additional information, write to the American Battle Monuments Commission, Courthouse Plaza II, Suite 500, 2300 Clarendon Blvd., Arlington, VA 22201, or telephone 703-696-6897, or visit www.abmc.gov

Burial and Memorial Benefits for Survivors

The Department of Veterans Affairs offers several burial and memorial benefits for eligible survivors and dependents. These benefits may include internment at a state or national Veterans cemetery, plot, marker and more. To learn more about these and other benefits please refer to Chapter 7 of this guide.