



Serving Veterans Since 1997

Chapter 11

Dependents & Survivors

Bereavement Counseling, VA Death Pension Eligibility and Payment Rates, Military Death Gratuity Payment, Dependency and Indemnity Compensation Eligibility and Payment Rates, Education and Training, VA Medical Care, Children with Birth Defects, Home Loan Guaranty, Visiting Overseas Cemeteries

Bereavement Counseling

VA Vet Centers provide bereavement counseling to all family members including spouses, children, parents and siblings of service members who die while on active duty. This includes federally activated members of the National Guard and reserve components. Bereavement services may be accessed by calling (202) 273-9116 or e-mail vet.center@va.gov.

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, death pension may be payable if

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the veteran had 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 death pension as long as the condition exists, unless the child marries or the child's income exceeds the applicable limit.

A surviving spouse may be entitled to a higher income limit if living in a nursing home, in need of the aid and attendance of another person or is permanently housebound.

Payment: 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. The following chart lists the 2006 maximum annual rate:

Recipient	Annual Rate
Surviving spouse	\$7,094
(With dependent child)	\$9,287

Permanently housebound	\$8,670
(With dependent child)	\$10,860
In need of regular aid & attendance	\$11,340
(With dependent child)	\$13,529
For each additional dependent child	\$1,806
Pension for each surviving child	\$1,806

Military Death Gratuity Payment

Military services provide payment, called a death gratuity, in the amount of \$12,420 to the next of kin of service members who die while on active duty or retirees who die within 120 days of retirement as a result of service-connected injury or illness. Military services also pay \$100,000 to the next of kin of service members who die as a result of hostile actions in a designated combat operation or combat zone, or while training for combat or performing hazardous duty. Parents, brothers or sisters may be provided the payment, if designated as next of kin by the deceased.

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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: Dependency and Indemnity Compensation (DIC) may be paid to surviving spouses who have not remarried, surviving spouses who remarry after age 57, unmarried children under 18, helpless children, those between 18 and 23 if attending a VA-approved school, and low-income parents of deceased service members or veterans.

Surviving spouses who lose eligibility due to remarriage may regain eligibility if the remarriage is dissolved by death, annulment or divorce. To be eligible, the death must not be the result of willful misconduct and the veteran must have died from:

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 incurred or aggravated in the line of duty while on inactive duty training.
2. Or a disability compensable by VA.

DIC also may be paid to 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.
2. Continuously rated totally disabled from the date of military discharge and for at least five years immediately preceding death.
3. Or a former prisoner of war 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. The discharge must have been under conditions other than dishonorable.

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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. The following chart lists the basic rate plus additional allowances.

Allowances	Monthly Rate
Basic Rate	\$1,033
Additional:	
Each Dependent Child	\$257
Aid and Attendance	\$257
Housebound	\$122

Special Allowances: Add \$221 if the veteran was totally disabled eight continuous years prior to death. Add \$250 to the additional allowance for dependent children 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. The following chart lists amounts.

Pay Grade MonthlyRate

E-1-E-6	\$1,033
E-7	\$1,069
E-8	\$1,128
E-9	\$1,177
W-1	\$1,092
W-2	\$1,135
W-3	\$1,169
W-4	\$1,236

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O-1	\$1,092
O-2	\$1,128
O-3	\$1,207
O-4	\$1,277
O-5	\$1,406
O-6	\$1,585
O-7	\$1,712
O-8	\$1,879
O-9	\$2,010
O-10	\$2,204

Payments to Parents: The monthly payment for parents of deceased veterans depends upon their income.

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.

Education and Training

Eligibility: VA provides educational assistance to spouses who have not remarried and children of:

1. Veterans who died or are permanently and totally disabled due to a disability arising from active military service.
2. Veterans who died from any cause while rated permanently and totally service-connected disabled.
3. Service members listed for more than 90 days as currently MIA, captured in the line of duty by a hostile force, or detained or interned by a foreign government or power.
4. Service members who died on active duty.

Surviving spouses lose eligibility if they remarry or are living with another person who has been held out publicly as their spouse.

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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.

Period of Eligibility: The period of eligibility for spouses of deceased veterans or service members listed as MIA/POW expires 10 years from 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 education benefits, though extensions may be granted.

The period of eligibility for surviving spouses of service members 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 service members 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 education benefits. However, in these cases, VA can pay only for training that began on or after Dec. 10, 2004. Payments: The payment rate effective Oct. 1, 2005, is \$827 a month for full-time school attendance, with lesser amounts for part time. Benefits are paid for full-time training for 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 and farm cooperative courses. 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 halftime or more.

Work-Study: Participants who train at the three-quarter or full-time rate may be eligible for a work-study program in which they work for VA and receive hourly wages. The types of work allowed include:

1. Outreach services.
2. VA paperwork.

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3. Work at national or state veterans cemeteries.
4. Work at VA medical centers or state veterans homes.
5. Other VA approved activities.

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

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 for vocational or restorative training.

Montgomery GI Bill Death Benefit: VA will pay a special Montgomery GI Bill death benefit to a designated survivor in the event of the service-connected death of an individual while on active duty or within one year after discharge or release.

The deceased must either have been entitled to educational assistance under the Montgomery GI Bill 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.

VA Medical Care

CHAMPVA, the Civilian Health and Medical Program of VA, provides reimbursement for most medical expenses – inpatient, outpatient, mental health, prescription medication, skilled nursing care and durable medical equipment.

Eligibility: To be eligible for CHAMPVA, an individual cannot be eligible for TRICARE (the medical program for civilian dependents provided by DoD) and must be one of the following:

1. The spouse or child of a veteran who VA has rated permanently and totally disabled for a service-connected disability.
2. The surviving spouse or child of a veteran who died from a VA-rated service-connected disability, or who, at the time

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of death, was rated permanently and totally disabled.

3. The surviving spouse or child of a military member who died in the line of duty, not due to misconduct. However, in most of these cases, these family members are eligible for TRICARE, not CHAMPVA.

A surviving spouse under age 55 who remarries loses CHAMPVA eligibility on midnight of the date of remarriage. However, they may re-establish eligibility if the remarriage ends by death, divorce or annulment effective the first day of the month following the termination of the

remarriage or Dec. 1, 1999, whichever is later. A surviving spouse who is 55 or older does not lose eligibility upon remarriage.

Those with Medicare entitlement may also have CHAMPVA eligibility secondary to Medicare. Eligibility limitations apply. For information, contact the VA Health Administration Center, P.O. Box 65023, Denver, CO 80206, call 1-800-733-8387 or visit: <http://www.va.gov/hac/>.

Many VA medical centers provide services to CHAMPVA beneficiaries under the CHAMPVA In House Treatment Initiative (CITI) program.

Contact the nearest VA medical center to determine if it participates. Those who use a CITI facility incur no cost for services, however services are provided on a space available basis, after the needs of veterans are met. Not all services are available at all times. CHAMPVA beneficiaries covered by Medicare cannot use CITI.

Children with Birth Defects

Children of Vietnam veterans born with certain birth defects may be eligible for a monthly monetary allowance, health care specific to the disability, 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. Questions about benefits for children with birth defects may be e-mailed to: birthdefect@vba.va.gov.

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 end

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ing May 7, 1975, or who served in or near the Korean demilitarized zone (DMZ) during the period beginning Sept. 1, 1967, and ending Aug. 31, 1971, may be eligible for certain benefits.

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. Effective Dec. 1, 2005, the allowances are:

	Level I	Level II	Level III
Monthly rate	\$254	\$879	\$1,500

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 a mother's service in Vietnam and 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. Effective Dec. 1, 2005, the allowances are:

	Level I	Level II	Level III	Level IV
Monthly Rate	\$116	\$254	\$879	\$1,500

Vocational Training: VA provides vocational counseling, rehabilitation, education and training to help these children prepare for and attain suitable employment.

To qualify, an applicant must be a child with 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 their 18th

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birthday or the date they complete secondary schooling, whichever comes first. Depending on need and eligibility, a child may be provided up to 48 months of full-time training.

Home Loan Guaranty

A VA loan guaranty to acquire a home may be available to an unmarried spouse of a veteran or service member who died as a result of service-connected disabilities, a surviving spouse who remarries after age 57, or to a spouse of a service member officially listed as Missing in Action (MIA) or Prisoner of War (POW) for more than 90 days. Spouses of those listed MIA/POW are limited to one loan.

Visiting Overseas Cemeteries

"No-fee" passports are available for family members visiting graves or memorial sites at World War I and World War II overseas American military cemeteries. Eligibility is limited to surviving spouses, parents, children, sisters, brothers and guardians of the deceased who are buried or commemorated in American military cemeteries on foreign soil.

For additional information, write: American Battle Monuments Commission, Courthouse Plaza II, Suite 500, 2300 Clarendon Blvd., Arlington, VA 22201, call 703-696-6897, or visit: <http://www.abmc.gov/>.

The above materials was published and provided courtesy of the Veteran Administration (VA). The complete Federal Benefit Guide, 2006 Edition, can be found On the U.S. Veteran Information (non-governmental) website at: <http://www.tpromo2.com/usvi/files/fedben.pdf>