

# INTREPID FALLEN HEROES FUND

## HANDBOOK FOR FAMILIES OF DECEASED SERVICE MEMBERS



# A SURVIVOR'S GUIDE

(A HANDBOOK FOR FAMILIES OF DECEASED SERVICE MEMBERS)

One can never really prepare adequately for the loss of a loved one. Unfortunately, while dealing with the tragedy of the loss of a service member, surviving family members often must confront a range of issues relating to matters involving the deceased's estate, living arrangements, and financial and personal affairs.

The United States Armed Forces are deeply concerned about the needs of surviving family members and, in response, offer numerous family support assistance programs, including direct financial assistance. Further, in recognition of the enormous contribution and sacrifice made by the service member, survivors are also eligible for a number of benefits offered through other governmental and non-governmental sources.

The purpose of this handbook is to assist survivors by providing a brief summary of the resources available from the military and other government and private institutions, and a discussion of certain issues surviving family members are likely to confront. It is designed to supplement the information provided directly by the various branches of the military, in large part through their casualty assistance officer programs.

## How to Use This Handbook

The handbook provides information through responses to questions survivors are likely to have and includes listings of relevant websites and telephone numbers. Over time, some of the information provided in the handbook may become outdated. To ensure the most up-to-date information, please visit the websites listed and the website of the Intrepid Fallen Heroes Fund, [www.fallenheroesfund.org](http://www.fallenheroesfund.org), which publishes this handbook.

Survivors are strongly encouraged to maintain detailed records of any actions taken regarding the benefits summarized in this handbook. For example, if a phone call is made concerning benefits, the surviving family member should record the name and title of the person with whom they speak, a direct-dial number, if available, the date and time of the phone call, and a summary of the matters

*(continued)*

discussed. Similarly, copies of all written correspondence, both sent and received, should be retained. For convenience, an appendix with lined pages for taking notes is included in the back of this handbook.

The Intrepid Fallen Heroes Fund and Davis Polk & Wardwell, who prepared this handbook on behalf of the Intrepid Fallen Heroes Fund, have published this handbook for informational purposes only. While we hope and believe that it will be a valuable and helpful resource, the handbook is provided solely as a source of general background information. We cannot warrant that the handbook is complete or accurate. In addition, the handbook may not apply to the factual or legal situation that a particular survivor may face. In any event, the handbook does not constitute legal advice and should not be relied upon as such. Davis Polk & Wardwell renders legal advice only after compliance with certain procedures for accepting clients and when it is legally permitted to do so. Readers are strongly encouraged to seek advice from professional legal and financial advisors before acting upon the information contained in this handbook.

If you have questions with respect to any of the topics discussed in this handbook, please contact the Intrepid Fallen Heroes Fund by phone at (800) 340-HERO or by sending an email to [info@fallenheroesfund.org](mailto:info@fallenheroesfund.org).

Intrepid Fallen Heroes Fund  
and  
Davis Polk & Wardwell  
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# **HANDLING ESTATE MATTERS**

# DEATH CERTIFICATES AND BURIAL BENEFITS

This section describes how surviving family members may obtain a death certificate of a deceased service member and qualify for any available burial benefits.

To obtain copies of the death certificate, surviving family members should contact their CAO or write to the National Personnel Records Center (Military Personnel Records), 9700 Page Ave., St. Louis, MO 63132-5100.

To contact a CAO with the appropriate branch, call:

**U.S. Army** (703) 325-7990

**U.S. Marine Corps** (703) 784-9513

**U.S. Navy** (703) 614-7613

**U.S. Air Force** (800) 433-0048

**U.S. Coast Guard** (202) 267-1648

## Death Certificates

*What is the purpose of obtaining a death certificate?*

Proof of death of the service member is required in order for surviving family members to claim many of the military and civilian benefits that are available. This includes, for example, Social Security benefits. Military death certificates are produced on DD Form 1300, Report of Casualty.

*How do surviving family members obtain a copy of the deceased service member's death certificate?*

Usually the military will provide the Casualty Assistance Officer (CAO) with a copy of the death certificate within 10 working days of a death, and the CAO will deliver the certificate to surviving family members. Surviving family members should make copies of the death certificate which will be needed in a variety of situations as proof of death; death certificates are not available from the same sources that provide other types of military records such as discharges or medical records.

## Burial Arrangements

### Receiving the Remains

*What is the military's procedure for handling remains?*

The CAO will work with the Military Medical Support Office to coordinate the delivery of the remains. Surviving family members should notify their CAO of the location of any burial and funeral services. Remains will be transported to that location at government expense generally within 7 to 10 days in the case of a death overseas. However, transportation could take longer depending on the circumstances of the conflict.

Requests for burial in Arlington National Cemetery should be made to the Superintendent of Arlington National Cemetery by calling (703) 607-8585.

For a list of national veterans cemeteries, visit [www.cem.va.gov/nchp.htm](http://www.cem.va.gov/nchp.htm).

For a list of state veterans cemeteries, visit [www.cem.va.gov/lsvc.htm](http://www.cem.va.gov/lsvc.htm).



*Will an autopsy be performed on the remains?*

An autopsy is performed anytime a service member has been killed in action if the medical examiner of the armed services believes it is necessary in order to determine the cause of death. The consent of the surviving family members is not required. Family members may obtain a copy of any autopsy report by contacting their CAO.

*Will the military conduct an investigation into the circumstances of the death?*

Under certain circumstances, the military will conduct an investigation into the casualty incident, but the military does not conduct an investigation in all instances. If there is an investigation, family members may request copies of any investigation or accident report by contacting their CAO.

## **Veterans Cemeteries**

*Who can be buried in a veterans cemetery?*

All service members who die while on active duty and former service members who have received a discharge under conditions other than dishonorable may be buried in any Department of Veterans Affairs (VA) national cemetery if there is space available. National cemeteries offer a variety of gravesite options, although not all are available at every cemetery. The surviving family members may either directly, or through a funeral director, select and contact the national cemetery to make the arrangements.

Eligible spouses and dependents may be buried with the service member in a national cemetery, including Arlington National Cemetery, at no cost to the family.

Benefits at state veterans cemeteries are similar. Residence in the state in which the cemetery is located may also be required.

*Is burial at a veterans cemetery required for surviving family members to receive funeral benefits?*

No. The deceased service member does not need to be buried in a veterans cemetery in order for surviving family members to receive funeral benefits from the military.

## **Funeral Services**

*May deceased service members have a military funeral?*

Yes. However, a military funeral is not required even when the service takes place in a veterans cemetery.

*What is included in a military funeral?*

A military funeral includes the presence of an honor guard, the presentation of the United States burial flag and the playing of Taps.

*Whom should surviving family members contact to arrange for a military funeral?*

If the deceased service member is being buried at a VA national cemetery, the national cemetery staff can assist with those arrangements. Otherwise, the funeral home director, private cemetery or state veterans cemetery can assist.

## **American Flag**

*Does the VA provide a burial flag?*

Yes. The VA provides a flag, at no cost, to drape the casket or accompany the urn of a deceased veteran. The CAO, the National Cemetery Administration or a funeral director should be able to assist in obtaining a burial flag.

## **Burial and Funeral Benefits**

*What types of expenses incurred in connection with burials or funerals will the military pay for?*

The military will provide reimbursement for the following types of primary expenses: costs for removal, embalming, casket, clothing, dressing, cosmetic/restorative procedures, permits, air tray, cremation, urn and engraving. The current regulations prescribe a maximum reimbursement amount of \$1,750.

In addition, secondary expenses may be paid for, including costs for: professional services, services of a house of worship, limousines, gratuities, an obituary notice, memorial items, a grave plot, cemetery labor, a headstone or marker, and a vault/outer enclosure. The current regulations prescribe a maximum amount of:

- (1) \$4,325 for interment in a private cemetery;
- (2) \$3,000 for interment in a national cemetery;
- (3) \$3,000 for cremation;
- (4) \$5,550 when burial is in a national cemetery and surviving family members refuse all military mortuary services and assume responsibility for all arrangements, services, transportation, and related expenses; and
- (5) \$6,900 when burial is in a private cemetery and surviving family members refuse all military mortuary services and assume responsibility for all arrangements, services, transportation, and related expenses.

*What is the application process to receive burial and funeral benefits?*

In order to apply for burial and funeral expense reimbursement, the individual who incurred the expenses, or the funeral director who rendered the services, must complete an application for reimbursement.

*A hardwood flag case may be available to display the flag used in the funeral. For an application and information on how to obtain a flag case, contact either the CAO or the Military Medical Support Office, Post Office Box 886999, Great Lakes, IL, 60088-6999 or (800) 876-1131, ext. 628.*

*A Presidential Memorial Certificate, an engraved paper certificate signed by the President and expressing the country's gratitude for the sacrifices made by the deceased service member, is available upon request. More than one certificate may be obtained. For more information call (202) 565-4964 or email [PMC@mail.va.gov](mailto:PMC@mail.va.gov).*



A variety of government-designed headstones are available through the VA. Headstone options may be viewed at [www.cem.va.gov/hm.htm](http://www.cem.va.gov/hm.htm).

For more information on obtaining burial benefits visit the Department of Veterans Affairs National Cemetery Administration website at [www.cem.va.gov](http://www.cem.va.gov) or call (800) 827-1000.



The application will require proof of military service, such as a DD Form 1300, Report of Casualty, or, in the case of a deceased veteran, a DD Form 214, Certificate of Release or Discharge From Active Duty, a death certificate, and copies of the funeral and burial bills. Once processed, surviving family members will receive a check to reimburse them for the eligible expenses. This claim must be filed within two years of the funeral service.

For more information, and to obtain copies of the reimbursement application, please refer to [www.vba.va.gov](http://www.vba.va.gov) or call (800) 827-1000.

## Viewing the Remains

*May the family view the remains?*

Generally, families should be allowed to follow their religious, cultural or ethnic traditions and their personal beliefs when it comes to viewing the remains. Under most circumstances, the military will provide the family with information as to the condition of the remains. In some cases, the military may recommend that the remains are not viewable, which is an assessment that they are not suitable for public viewing. This determination is not a prohibition to the family viewing the remains. Surviving family members should contact their CAO for specific policies concerning the viewing of the remains.

## Headstones

*Is there assistance available to help with the expense of headstones or markers?*

Upon request, the VA will furnish a government headstone or marker for the grave of the deceased service member at no charge.

These government headstones or markers will be inscribed with the name of the individual, branch of service and years of birth and death. Additionally, the following optional items may also be inscribed using available space: rank or rate; war service; months and days of birth and death; a religious emblem; text indicating any valor awards; and a term of endearment subject to approval by the VA.

In a veterans cemetery, the headstone is erected at no cost and ordered by cemetery officials based on information provided by the surviving family. To request a headstone for a private cemetery, the surviving family member or a representative of the family, such as a funeral director, should submit a VA Form 40-1330, Application for Standard Government Headstone or Marker, along with proof of military service, such as a DD Form 1300, Report of Casualty, or, in the case of a deceased veteran, a DD Form 214, Certificate of Release or Discharge From Active Duty. The surviving family members must pay the installation cost at a private cemetery, but the VA will pay for shipment of the headstone.

## **Shipment of Personal Effects and Household Goods**

*Will the military arrange for shipment of the deceased service member's personal effects and household goods?*

The military will collect, safeguard and inventory the personal effects of a deceased service member and transport them to a designated recipient, such as the surviving spouse, the eldest child or the parent who directs the disposition of the remains according to an order of precedence. Ownership of the property will be governed by the laws of the state in which the service member maintained legal residency.

Similarly, the military generally will pay for the shipment of the household goods of the deceased service member to approved locations. See the section on General Monetary Assistance for more information.

## **Other Resources**

*Are there other resources on obtaining burial benefits?*

The CAO should have all of the information about the burial benefits. Another resource for some items is the Department of Veterans Affairs National Cemetery Administration.



# SETTLING THE DECEASED SERVICE MEMBER'S ESTATE

**T**his section describes what surviving family members need to know in order to settle the estate of the deceased service member. The “estate” covers anything, including real property (such as real estate) or financial assets, that the service member owned at the time of death. The manner in which an estate is settled is governed principally by the laws of the state of the deceased service member’s legal residence. The state of legal residence is not necessarily the same as the service member’s “home of record”. As a general rule, the state of legal residence is where the deceased service member had his or her permanent home. Indications of a legal residence include the state the service member used as a residence for state income tax purposes, the state where the service member was registered to vote, and the state where the service member owned property. What follows is a summary of general principles only; surviving family members must consider retaining their own lawyer to advise on specific situations in this context. Please see the section on Legal Assistance for guidance on finding and retaining a lawyer.

## Jointly Held Property

*What happens to property or assets that were owned together by the deceased service member and a surviving family member?*

Some assets, including bank and brokerage accounts and real property (i.e., houses and condominiums), are held by two or more persons, such as a husband and wife. In many cases these jointly held assets, such as joint bank accounts or jointly owned homes, provide for the surviving joint owner to become the sole owner automatically upon the death of the service member. This type of ownership is called “joint ownership with rights of survivorship”.

*What is the effect on property held jointly with a right of survivorship if the deceased service member left behind a will?*

None. Ownership of these items passes automatically to the surviving joint owner, so they are not governed by a will.

*How does a surviving family member change the formal ownership title of assets that pass through a right of survivorship?*

Surviving family members who receive bank accounts, real property, and other private assets as beneficiaries and wish to keep them in their current accounts should inquire about whether the names listed as the account holders or owners need to be changed. For real estate, surviving family members should contact the county clerk where the property is located and inquire about whether and how the name on the title of the property needs to be changed. The section on Personal Finance contains a further discussion on the transfer of ownership of assets.

## Designated Beneficiaries

*What does it mean if the deceased service member designated a “beneficiary”?*

When the deceased service member signed up for many military-sponsored programs, the forms gave the service member the option of designating a person, known as the beneficiary, to receive those assets in the event of death. These programs include military-sponsored life insurance and benefit plan programs like the death gratuity, Survivor Benefit Plan (SBP) and Thrift Savings Plan (TSP).

Additionally, a service member usually designates a beneficiary to receive any final pay, unpaid leave and unpaid installments of a reenlistment bonus. The Casualty Assistance Officer (CAO) should have access to the forms the service member used to designate beneficiaries of military-sponsored assets.

*What effect does a will have on the distribution of these assets?*

None. These items are distributed automatically to the designated beneficiaries, so they are not considered part of the decedent’s estate and a will has no effect on their distribution.

## Distributing Assets According to a Will

*How will any remaining assets be distributed?*

If the service member died with a valid will in place, the distribution of the remaining assets will be made according to the instructions in the will. In community property states (Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, and Wisconsin), real estate and possessions are generally considered to be owned equally by each spouse. In those states, a will cannot dispose of the surviving spouse’s equal share, but only the decedent’s half of the community property.



*What should surviving family members do if there is a will in place?*

First, the surviving family member should consult the attorney who prepared the will. If the will was prepared with the assistance of a military Legal Assistance Officer, the Legal Assistance Office will assist in the settlement of the estate or will refer surviving family members to a civilian lawyer. Please see the section on Legal Assistance for information on finding and hiring a lawyer.

*How are the instructions in the will carried out?*

The will should name an executor, who has the responsibility of safeguarding and collecting the decedent's assets for distribution according to the will. The executor pays the decedent's debts and taxes first and then distributes the remaining assets according to the will.

The executor must "probate" the will by filing it, along with supporting evidence of its authenticity and a death certificate, in the local court with jurisdiction over wills and estates. This is often called the probate court or, in some states, the surrogate's court. Once the court reviews the will and any other necessary documentation, the court grants the executor the official power to collect the assets and to make the distributions under the will.

*Who might have a copy of the will?*

Surviving family members should check with the Legal Assistance Office that served the service member's unit. Service members who deploy on active duty are strongly encouraged to prepare a will and military Legal Assistance personnel often assist them. The Legal Assistance Office may be aware of whether the decedent prepared a will and may also know the will's location. Military Legal Assistance personnel may not have kept a copy, however.

Surviving family members should also check with any private attorney who may have prepared the will or look in a safety deposit box for the original or a copy. If the original cannot be found, sometimes a copy of the will can be used for probate purposes.

## **Distributing Assets in the Absence of a Will**

*What if the service member did not leave behind a will?*

A person who does not have a valid will at the time of death is said to have died "intestate". That person's personal property is divided according to the intestacy laws of the state where the decedent resided, while real property (i.e., real estate) is distributed according to the intestacy laws of the state where the property is located. In addition, if a valid will does not address distribution of all of the deceased service member's property, the remaining property will be distributed according to the applicable intestacy laws. Generally, the intestacy laws provide for a surviving spouse, children, or parents to receive the assets.



In some cases a person's legal residence, or "domicile", can be different from the place where the person last lived. The domicile controls which state's law governs the distribution of personal property.

Determining the decedent's domicile for probate purposes is a legal question governed by state law, and it can differ from state to state. A reasonable guideline is that a decedent's domicile corresponds to the decedent's permanent address and not to a temporary location or station. The Legal Assistance Office can help identify resources to research the intestacy laws or assist in finding a lawyer.

*How are the service member's assets distributed if there is no will?*

An administrator of the service member's estate will be appointed by the court to distribute the assets of the estate pursuant to the governing intestacy laws and to pay any outstanding debts, such as bills, loans and taxes. The administrator will be selected according to state law, usually in the following order so long as the person is at least 18 years of age:

- (1) The decedent's surviving spouse;
- (2) The decedent's children;
- (3) The decedent's parents; or
- (4) The decedent's brothers or sisters.

Like an executor, an administrator usually files a document, along with the decedent's death certificate, in probate court. Once the probate court has given its approval, the administrator can distribute the assets of the estate according to the laws of intestacy.



# **FINANCIAL ASSISTANCE AND BENEFITS**

# GENERAL FINANCIAL ASSISTANCE

**A** number of organizations provide monetary assistance to family members of a service member who dies on active duty. Below are descriptions of some of these types of monetary assistance.

## Assistance with Immediate Needs

### Death Gratuity

*What is the death gratuity?*

The branch of the armed services to which the deceased service member belonged will make a lump sum payment of \$12,000 to eligible beneficiaries of a service member who dies on active duty, active duty for training or inactive duty for training. The payment is intended to help surviving family members with immediate expenses, and is generally made within 24 to 72 hours after notification of the service member's death (although it could take up to 30 days for payments to minor children). The death gratuity is not subject to federal income taxes.

In early 2005, Congressional legislation was proposed to increase significantly the amount paid as the Death Gratuity, possibly even with retroactive effect. Surviving family members are encouraged to contact their CAO to determine the status of this and any other pending legislation that might have an effect on the families of deceased service members.

*Who is entitled to receive the death gratuity?*

The death gratuity payment is made to surviving family members of the deceased in the following order:

- (1) To the service member's lawful surviving spouse;
- (2) If there is no surviving spouse, to the service member's children, regardless of age or marital status, in equal shares (includes legitimate children, legally adopted children, stepchildren and, in certain cases, extramarital children);
- (3) If none of the above, to the relatives designated on the service member's record of emergency data. Eligible relatives are the service member's parents (including natural or adoptive par-

ents, or persons who have stood in *loco parentis* (meaning that they exercised parental control over and provided care to the service member) for at least one year prior to the service member's entry into active service), and the service member's brothers and/or sisters (including half- and adopted siblings);

- (4) If the service member did not make a designation on his or her record of emergency data, to the service member's parents in equal shares; and
- (5) If the service member did not make a designation on his or her record of emergency data and there are no surviving parents, to the service member's brothers and/or sisters (including half- and adopted siblings) in equal shares.

The death gratuity is not paid to any other person when there are no eligible surviving family members, as listed above.

*What if other persons are listed in the service member's will?*

The service member's will is not a legal designation for purposes of payment of the death gratuity, so it has no effect on the payment of the death gratuity.

*Will surviving family members have to fill out any forms in order to receive the death gratuity?*

Yes. Surviving family members will need to complete DD Form 397, Claim Certification and Voucher for Death Gratuity Payment. The Casualty Assistance Officer (CAO) will assist in preparing and submitting this form.

### **The Intrepid Fallen Heroes Fund**

*What is the Intrepid Fallen Heroes Fund?*

The Intrepid Fallen Heroes Fund was created to assist the families of military personnel who have been killed in action in Operation Iraqi Freedom or Operation Enduring Freedom with immediate financial needs. The Intrepid Fallen Heroes Fund provides each dependent family with an \$11,000 grant and an additional \$5,000 grant per child, to be used for any needs the family may have. All families of U.S. troops lost in Iraq, regardless of whether they are dependents, also receive a special contribution of an additional \$1,000 grant, which is made possible by the Stamps Family Charitable Foundation.

**In early 2005, Congressional legislation was proposed to increase significantly both the Death Gratuity and Servicemembers' Group Life Insurance benefits (p. 25). If this legislation becomes law, the Intrepid Fallen Heroes Fund will direct its support toward helping those severely injured in operations in Iraq and Afghanistan. For more information on the Intrepid Fallen Heroes Fund, please visit [www.fallenheroesfund.org](http://www.fallenheroesfund.org).**



*Who is eligible to receive the grant?*

All surviving spouses and children of United States and British uniformed military personnel killed in action in Operation Iraqi Freedom or Operation Enduring Freedom, as determined by the casualty office of the service member's respective branch, are eligible to receive the grant.

*What do surviving spouses and children need to do in order to receive the grant?*

Eligible dependents do not need to take any action in order to receive the grant. Once the Intrepid Fallen Heroes Fund receives confirmation from a casualty office that a service member has been killed in action, it processes the grant and forwards it to the casualty office for distribution to the family.

To inquire about the status of a grant from the Intrepid Fallen Heroes Fund, contact the CAO headquarters for the relevant branch.

## **Funeral Expenses**

See the section on Death Certificates and Burial Benefits.

## **Relocation Travel Expenses**

*Are any travel costs related to relocation reimbursable?*

Yes, depending on the location of travel, surviving family members may be eligible for reimbursement of travel costs incurred in connection with relocation following the service member's death. Reimbursement may be available for travel either to the service member's home of record, the residence of the service member's dependents or another authorized location.

*What are the limits on reimbursement for travel?*

Limits on travel reimbursement apply depending on the deceased service member's branch of the military and other circumstances. In particular, in order to be reimbursed, travel generally must take place within one year of the service member's death.

## **Shipment of Personal Effects and Household Goods**

*What happens to the service member's personal effects and household goods?*

The military generally will pay for the movement of the personal effects and household goods of the deceased service member to one of the following locations: the member's last permanent duty station; the member's home of record; the home of the member's dependents; the home of the next of kin; or to other persons legally entitled to receive custody of the service member's personal effects or household goods.

*Is there a deadline for shipping the service member's personal effects and household goods?*

**To contact a CAO with the appropriate branch, call:**

**U.S. Army**  
(703) 325-7990

**U.S. Marine Corps**  
(703) 784-9513

**U.S. Navy**  
(703) 614-7613

**U.S. Air Force**  
(800) 433-0048

**U.S. Coast Guard**  
(202) 267-1648

*The CAO can provide information and assist in making travel arrangements and submitting a claim for survivor's reimbursement for relocation expenses. If the deceased service member was a member of the Marine Corps, call the Traffic Management Branch at (703) 695-7762 or (703) 695-7765.*



Yes. The items to be moved must be turned over to a transportation officer or carrier within one year of the service member's death for shipment to the desired location. An extension may be available, however, by submitting a written request to the office responsible for handling such requests, which is different for each branch of the armed services. The CAO can provide the address of the appropriate office to send the request. The request must be submitted before the expiration of the one-year time limit and must include an explanation of why an extension is necessary.

*Will the armed services pay for storage of the service member's personal effects and household goods?*

Both temporary and non-temporary storage may be available in connection with a shipment of personal effects and household goods. Temporary storage may be available for up to 90 days from the date of the service member's death. Non-temporary storage may be available for up to a year from the date of the service member's death. Extensions of the time limits for the storage of the service member's personal effects and household goods may be available. Surviving family members should contact their CAO for more information regarding eligibility for temporary and non-temporary storage and the availability of extensions. In many cases, the CAO will contact the personal property officer or transportation officer at the nearest military installation with any questions.

## Regular Monthly Assistance

### Dependency and Indemnity Compensation (DIC)

*What are Dependency and Indemnity Compensation payments and who is eligible to receive them?*

Dependency and Indemnity Compensation (DIC) payments are tax-free, monthly payments administered by the Department of Veterans Affairs (VA).

DIC payments may be available for: (i) surviving spouses who have not remarried; (ii) unmarried children under 18; (iii) disabled children; (iv) children between the ages of 18 and 23 who are attending a VA-approved school; and (v) low-income parents of deceased service members. If the service member died while on active duty, the service member's surviving family members are probably eligible to receive DIC payments.

As mentioned above, low-income parents of deceased service members may also be eligible for DIC payments. The income limits change annually. Contact the VA to find out the current limits.

Additional information on DIC payments may be obtained by calling (800) 827-1000, or by contacting a VA Regional Veterans Benefits Administration Office, which is available in every state.

For a state-by-state listing of all VA facilities and their contact information, visit [www1.va.gov/directory/guide/allstate.asp](http://www1.va.gov/directory/guide/allstate.asp).



*How much are DIC payments for surviving spouses?*

DIC amounts paid to a surviving spouse are not based on the service member's military pay grade. However, DIC benefit amounts change annually, so contact the VA at the number provided in the sidebar, or contact a VA Regional Veterans Benefits Administration Office, to find out the current rates. The amounts paid to a surviving spouse with one or more dependent children of the deceased is increased for each child.

Effective January 1, 2005, the VA also adds a transitional benefit of \$250 to the surviving spouse's monthly DIC if there are children under age 18. The amount is based on a family unit, not the number of individual children. The transitional benefit is paid for two years from the date that entitlement to DIC commences, but is discontinued earlier when there are no longer any children under age 18 or there are no longer any children on the surviving spouse's DIC for any reason.

*How long will surviving family members receive DIC payments?*

DIC payments to a surviving spouse are payable for life, as long as the spouse does not remarry before the age of 57. If the surviving spouse remarries before the age of 57, the DIC payments are discontinued. However, if the marriage is later terminated by death of the new spouse, annulment or divorce, the surviving spouse may be entitled to have the DIC payments reinstated.

*Are children of a deceased service member eligible to receive DIC payments?*

If there is no surviving spouse, a child of a deceased service member may be eligible to receive DIC payments if the child is unmarried and either under age 18 or between the ages of 18 and 23 and attending a VA-approved school. Certain disabled adult children of deceased service members are also eligible to receive DIC payments.

*Are there any additional VA monetary benefits on top of the regular DIC payments?*

Yes. Surviving spouses and parents receiving DIC payments may be granted a special allowance to pay for aid and attendance by another person if they are patients in a nursing home or require the regular assistance of another person. In addition, surviving spouses receiving DIC payments may be granted a special allowance if they are permanently housebound. If any of these situations apply, please call the VA at (800) 827-1000 for more information.

*Which forms are necessary to apply for DIC payments?*

Surviving spouses or children should complete VA Form 21-534, Application for Dependency and Indemnity Compensation, Death Pension and Accrued Benefits by Surviving Spouse or Child, to apply for DIC payments. Parents should complete VA Form 21-535, Application for Dependency and Indemnity Compensation by Parent(s).

The CAO will generally assist in preparing and submitting applications for DIC benefits and will be able to arrange a visit to the nearest VA office to discuss VA benefits. Surviving family members may also contact the VA directly, using the information provided in the sidebar on the previous page, with any questions about the application process.



## Obtaining Amounts Due to the Service Member

### Unpaid Compensation

*What happens to any pay that the service member was owed?*

Upon the death of an active duty service member, any compensation and allowances due to the service member are paid to the designated beneficiary named on the service member's record of emergency data.

*What falls under the category of unpaid compensation and allowances?*

Unpaid compensation and allowances may include unpaid basic pay and basic allowance for housing, payment for up to 60 days of accrued leave, amounts due for travel, per diem expenses, transportation of eligible family members, shipment of household goods and unpaid installments of any reenlistment bonus. The deceased service member's pay record is audited by the Defense Finance and Accounting Service - Denver Center (DFAS-DE) and a check for any amount due is issued to the designated beneficiary.

*If the service member did not designate a beneficiary, who will receive payments for unpaid compensation and allowances?*

When no beneficiary has been designated in writing by the service member, any money due is paid to the first eligible recipient in the following order:

- (1) To the service member's lawful surviving spouse;
- (2) If there is no surviving spouse, to the child or children of the service member in equal shares, with the share of any deceased child to be distributed to such child's descendants;
- (3) If none of the above, to the parents of the service member in equal shares or, if either parent is deceased, to the surviving parent;
- (4) If none of the above, to the duly appointed legal representative of the service member's estate; or
- (5) If none of the above, to the person entitled to payment under the laws of the state in which the service member last resided.

*Are any forms needed to receive payment of the deceased service member's unpaid compensation and allowances?*

Yes. Surviving family members need to complete Standard Form 1174, Claim for Unpaid Compensation of Deceased Member of the Uniformed Services. The CAO can assist in preparing and submitting this form.



## Refund of Service Member's Unused Montgomery GI Bill Contributions

*What if the service member made a GI Bill contribution but never used it?*

If the deceased service member contributed to the Montgomery GI Bill education program, the designated life insurance beneficiary or surviving spouse is entitled to a refund of any money collected through payroll deductions but not used in education benefits during the service member's lifetime.

*What forms are necessary in order to receive the refund of unused Montgomery GI Bill contributions?*

A refund can be obtained by submitting a letter, along with proof of relationship to the deceased service member and a copy of the DD Form 1300, Report of Casualty, to the appropriate VA Regional Office. To find out more, call the VA at (800) 827-1000.

## Assistance with Housing

### Basic Allowance for Housing

*Can surviving family members continue to live in military housing?*

Yes, for six months from the date of death of the service member. If surviving family members leave military housing before the expiration of this six-month period, they will be paid the Basic Allowance for Housing (BAH) for the remaining time.

*What if the surviving family members do not live in military housing?*

If surviving family members do not live in military housing, they may receive the BAH or, if applicable, overseas housing allowance for six months from the date of death of the service member.

*Can a landlord evict surviving family members if the lease is only in the name of the service member?*

No, a landlord cannot evict, change locks or cut off utilities without first pursuing proper legal proceedings. The legal proceedings vary by state, so if an eviction notice is received, surviving family members may need to engage a lawyer or consult the local clerk of the housing court. Notices of eviction from a landlord should not be ignored.

Surviving family members may be eligible for the protections of the Servicemembers Civil Relief Act (SCRA) as the dependent of a service member. Under the SCRA, surviving family members may be able to suspend legal proceedings relating to eviction, foreclosure, or lease termination. Unfortunately, many of the SCRA's protections terminate upon death of the service member.

For more information about the Servicemembers Civil Relief Act, contact a Legal Assistance Officer or visit [usmilitary.about.com/library/milinfo/scra/blscramenu.htm](http://usmilitary.about.com/library/milinfo/scra/blscramenu.htm).



For information about the VA home loan program and eligibility requirements, call (800) 827-1000 or visit the VA home loan program website [www.homeloans.va.gov](http://www.homeloans.va.gov).

For a state-by-state listing of all VA facilities, visit [www1.va.gov/directory/guide/allstate.asp](http://www1.va.gov/directory/guide/allstate.asp).



## VA Home Loan Guarantee

*Is there assistance available for mortgage payments?*

Surviving family members concerned about their ability to make mortgage payments while the deceased service member's estate is being settled should contact the financial institution which holds the mortgage to discuss the situation.

A surviving spouse may also be eligible for assistance with the mortgage through the VA home loan program. Having a VA-guaranteed home loan means that the VA Regional Loan Centers can offer financial counseling to help avoid foreclosure.

*Is there any assistance available for the purchase of a home?*

Surviving spouses of service members who died on active duty or as a result of a service-connected disability may be eligible to receive a VA-guaranteed home loan. In order to be eligible for the home loan guarantee, the surviving spouse must not have remarried. Children of deceased service members are not eligible for VA-guaranteed home loans.

*What is a VA-guaranteed home loan?*

VA-guaranteed home loans are made by private lenders (such as banks, savings and loan associations and mortgage companies) to eligible individuals for the purchase of a home. The VA's guarantee protects the lender against loss if loan payments are not made by the borrower. The guarantee is intended to encourage lenders to offer eligible individuals loans with more favorable terms than they would otherwise receive. This may include not requiring the borrower to make a down payment.

*What is the amount of the VA guarantee?*

The amount of the VA guarantee depends on the loan amount and whether the eligible individual has previously used the home loan benefit. The largest guarantee that the VA currently can provide is \$60,000. Lenders will generally lend up to four times the amount of the guarantee to which the surviving family member is entitled without requiring a down payment, provided that the surviving family member's income and credit qualify and the property being purchased appraises for the purchase price. A regional VA office can provide more details on the amount of guarantee.

## **Additional Monetary Assistance**

### **State Benefits**

Many states have passed laws providing certain rights, benefits and privileges to the surviving spouses and children of deceased service members. These benefits include educational assistance, employment opportunities and tax relief. Information on the laws pertaining to a particular state may be obtained from local government officials, the nearest VA office, and local veterans' organizations such as the American Legion, Veterans of Foreign Wars and Disabled American Veterans. Please see the section on State Resources for more information on the benefits provided by individual states.

### **Other Assistance**

Other forms of monetary assistance that may be available to surviving family members are described in the sections of this handbook entitled: Life Insurance, Social Security, Education Benefits, Retirement Benefits, and Health and Dental Care Coverage.



# LIFE INSURANCE

**T**his section describes various benefits under deceased service members' life insurance policies and how surviving family members should make claims on those policies.

*Does the military provide life insurance protection?*

Yes. All members of the uniformed services are eligible for a \$250,000 life insurance policy under the Servicemembers' Group Life Insurance (SGLI) program. However, service members can, and often do, choose a lesser amount of coverage or decline coverage altogether because they do not wish to pay the full premium amount.

SGLI is a federal program that provides service members with term life insurance, which provides coverage for a specified period of time. SGLI life insurance is issued under a group policy purchased by the Department of Veterans Affairs (VA) from a private insurance company and is administered by the VA's Office of Servicemembers' Group Life Insurance (OSGLI).

Service members may also obtain additional coverage from private insurance companies through individual policies or, for some reservists, an employer-sponsored group plan.

In early 2005, Congressional legislation was proposed to increase significantly the maximum life insurance policy available under the SGLI program. In addition, the proposed legislation would cover the cost of part of the life insurance coverage for service members serving in a combat zone. Surviving family members are encouraged to contact their CAO to determine the status of this and any other pending legislation that might have an effect on the families of a deceased service member.

## Servicemembers' Group Life Insurance

### Determining Beneficiaries

*Who is entitled to receive the proceeds from a deceased service member's SGLI policy?*

Persons listed as beneficiaries on the Servicemembers' Group Life Insurance Election & Certificate (Form SGLV 8286), a form completed by the service member, are entitled to the SGLI proceeds. A service member's records, including this form, are maintained by the branch of the service member's armed services.

If the service member did not designate a beneficiary on the form, the proceeds will automatically be paid in the following order:

- (1) the surviving spouse;
- (2) the child or, if more than one child, to the children in equal shares, with the share attributable to any deceased child to be distributed among the descendants, if any, of that child;
- (3) the parents in equal shares or all to the surviving parent;
- (4) a duly appointed executor or administrator of the insured's estate; or
- (5) other next of kin.

### Making Claims

*Whom should surviving family members contact to make a claim for SGLI proceeds?*

The branch of the service member's armed services will review the service member's record to determine the proper recipient(s) of the SGLI proceeds and inform the Casualty Assistance Officer (CAO). The CAO will then give the person(s) entitled to receive the benefits a form called a Claim for Death Benefits (SGLV Form 8283).

The CAO should assist surviving family members in filing a claim. The service member's branch will supply proof of death (DD Form 1300) directly to the OSGLI. Please see the end of this section regarding information on how to contact the OSGLI.

*How long will it take to receive SGLI benefits once the application for benefits is completed?*

The OSGLI attempts to pay SGLI claims within 4 to 6 weeks of receiving all of the required documentation.

*How will the SGLI proceeds be paid?*

The service member will have designated whether to have the SGLI proceeds paid as a single lump sum or in 36 equal monthly installments.



The American Council of Life Insurers has comprehensive contact information for life insurance companies on its website [www.acli.com](http://www.acli.com). They can also be reached at (202) 624-2000.



If the proceeds are to be paid in a lump sum, the beneficiary will receive the SGLI proceeds through an “Alliance Account”. The Alliance Account is an interest-bearing checking account from which checks can be written for any amount of \$250 or more, up to the total account balance. The amount of interest earned is at a competitive rate. The Alliance Account allows immediate access to the proceeds. Alliance Accounts are not available for SGLI proceeds that are less than \$10,000 or for payments to individuals residing outside the United States and its territories. Under either circumstance, SGLI amounts will be paid in a single lump sum check.

If the proceeds are to be paid in installments, the first installment will be deemed payable as of the date of death. Interest begins accruing from this date even if a payment is not made until several weeks after documentation is received. The amount of each installment will be computed to include interest on the unpaid balance.

## Private Life Insurance Policies

*How will the surviving family members know if the service member had purchased any private life insurance policies?*

A variety of records might contain information identifying an agency, policy or insurer, such as:

- (1) statements (bills) from the insurance company or agency;
- (2) insurance renewal notices; or
- (3) check registers or bank statements that may show payments made to an insurer.

## Making Claims

*How do surviving family members make a claim under a private life insurance policy?*

The beneficiary of a private life insurance policy starts the claim process by notifying the insurance company of the service member’s death. If the insurance was obtained through an insurance agent, the surviving family member should contact the agent.

If no agent was used or it is unclear whether an agent was used, the surviving family member should contact the life insurance company directly. Many insurance companies offer toll-free hotlines and websites to help beneficiaries file claims.

*How does one submit a claim to private insurance companies?*

Private insurance companies will require delivery of a death certificate for the insured. In addition, private insurers will provide beneficiaries with claim forms, which must be filled out, signed and returned within the time stated on the forms. Beneficiaries must take care to return

all forms on time and to keep records of all communications to and from the insurance company, including correspondence, faxes, email messages and telephone notes.

*How long will it take to receive private life insurance benefits once the application for benefits is completed?*

Private insurers attempt to pay claims within 4 to 6 weeks of receiving the required documentation.

## Denied Claims

*Are there exclusions under the policies for death from war or terrorist acts?*

Some individual life insurance policies exclude payments for death from war or terrorism. These exclusions cannot be added by the company after the insurance has been purchased. Some insurance companies market and sell life insurance policies to service members that do not include war or terrorism exclusions.

*What if the private insurance claim is denied?*

Surviving family members can object to the denial in writing, ask the insurer to reconsider and provide any new information pertinent to the claim.

Lawsuits for the enforcement of a life insurance policy must be brought within the time frame specified in the insurance policy and applicable state law. Some policies require an internal review by the insurance company or a specific process before suits can be brought, so surviving family members should read all policy materials carefully and may need to engage a lawyer for assistance. Please see the section on Legal Assistance for information on finding and hiring a lawyer.

## Employer-Sponsored Policies

*Do reservists lose coverage from their employer's group life policy while serving?*

Under most traditional group employer plans, once an employee no longer works a minimum number of hours per week, the employee becomes ineligible for group life benefits. However, the employee is sometimes given the right to convert any existing benefit amounts to an individual life insurance policy offered through the employer. Generally, the employee must have affirmatively selected such a conversion.

Many employers do provide a "policy continuation" for some period following the departure of an employee for active military duty. This period is often about three months, though some employers provide for continuation up to six months.

The following insurance companies offer policies that do not include war or terrorism exclusions:

**Navy Mutual Aid Association**

[www.nmaa.org](http://www.nmaa.org)

**First Command Financial Planning**

[www.firstcommand.com](http://www.firstcommand.com)

**Military Benefit Association**

[www.militarybenefit.org](http://www.militarybenefit.org)



*How is a claim made if the life insurance coverage was provided to the reservist as an employee?*

Surviving family members should contact the reservist's civilian employer, inform the employer of the situation and ask about applying for death benefits from the employer's group life insurance policy. It is important to request a copy of the summary plan description for the life insurance policy. In many cases, employers will process the claim with the insurer and obtain some or all of the proceeds for the surviving family members. In other cases, the surviving family members will need to do this themselves by following the same procedures described above for making claims on private policies.

*What if the claim is denied?*

Surviving family members should follow the claims procedure set out in the policy or in the summary plan description received from the employer.

## Obtaining Life Insurance for Surviving Family Members

*Does the military provide any life insurance coverage for spouses or children of service members?*

Yes. The OSGLI offers life insurance coverage for spouses and children of service members insured under the SGLI program. If the service member obtained SGLI Family Coverage for the spouse and children, which will be indicated on the Form SGLV 8286, coverage will end 120 days after the service member's death unless the surviving spouse chooses to convert the insurance to a participating private insurance company.

### Contacting the OSGLI

To make a claim, ask questions or obtain forms, the OSGLI may be reached at:

**Toll-free telephone:**

(800) 419-1473

**Toll-free fax numbers:**

Claims only:

(877) 832-4943

All other fax inquiries:

(800) 236-6142

**Overseas:**

Phone Number:

(973) 548-5699

Fax number:

(973) 548-5300

**General Correspondence:**

Office of Servicemembers' Group Life Insurance

290 West Mt. Pleasant Ave.

Livingston, New Jersey 07039

**Email:**

Claims only:

[osgli.claims@prudential.com](mailto:osgli.claims@prudential.com)

All other inquiries:

[osgli.osgli@prudential.com](mailto:osgli.osgli@prudential.com)

**website:**

[www.insurance.va.gov/index.htm](http://www.insurance.va.gov/index.htm)



# SOCIAL SECURITY

**T**his section describes benefits from the Social Security Administration that may be available to surviving family members of deceased service members.

## Death Benefit

*What is the death benefit and who is eligible to receive it?*

A one-time payment of \$255 may be made to a surviving spouse of the deceased service member if the service member earned enough work credits to qualify for Social Security benefits. The surviving spouse is entitled to the payment if the spouse is eligible to receive the survivor benefits described below or if the spouse was living with the deceased service member at the time of death.

If there is no surviving spouse, or the surviving spouse is not eligible, then a child of a deceased service member may be eligible to receive the death benefit.

*What work credits are required to receive the death benefit?*

Generally, a decedent must have worked at least ten years for any surviving family members to receive full benefits. However, if the decedent worked at least one and one-half years in the three years prior to death, then the benefits can be paid to the surviving children or a spouse caring for those children.

## Survivor Benefits

Surviving family members of a deceased service member may be entitled to receive any Social Security benefits that would have been paid to the service member.

## Making Claims for Survivor Benefits

*Who is eligible for survivor benefits?*

The following surviving family members are eligible:

- (1) A spouse or divorced spouse age 60 or older;
- (2) A disabled spouse or disabled divorced spouse age 50 or older;

- (3) Unmarried children under age 18, or under age 19 if they are still attending high school full-time. Under some circumstances, benefits may be paid to stepchildren, grandchildren, or adopted children who can establish their prior financial dependency on the deceased service member.
- (4) Children of any age who were disabled before age 22 and remain disabled;
- (5) A spouse or divorced spouse, regardless of age, who is responsible for the care of the children of the deceased service member who are under age 16, as long as the spouse meets Social Security income requirements; and
- (6) Parents of the deceased service member beginning at age 62 if they can establish that they were more than 50% financially dependent on the deceased service member.

*Is there a special process for surviving family members of deceased service members to file Social Security claims?*

Yes. An expedited claims procedure is available to the surviving family members of service members who died during Operation Iraqi Freedom or other military operations. The Military Casualty Expedited Service Hotline will accept claims for survivor benefits over the telephone. The Social Security office will immediately process the application upon receipt.

Surviving family members may also file for Social Security benefits by calling the Social Security Administration's general information telephone number or by visiting a local Social Security office.

#### **Contacting the Social Security Administration**

*To submit a claim, make general inquiries, find a local Social Security office or find additional information on Social Security benefits, including online benefit calculators, contact the Social Security Administration or visit the Social Security Administration's website at:*

	<b>Telephone</b>	<b>Hours</b>	<b>Website</b>
General Information	(800) 772-1213	7:00 am - 7:00 pm (local)	<a href="http://www.ssa.gov">www.ssa.gov</a>
<b>Military Casualty Expedited Service Hotline</b>			
Claims:	(866) 777-7887	<i>Claims assistance is available 7:00 am - 4:00 pm (Eastern) Monday-Friday. An answering machine will record messages for all calls received after 4:00 pm</i>	
Other Inquiries:	(886) 777-9648		
TTD/TTY:	(886) 545-7316		



*What information will the Social Security office require initially?*

Surviving family members should gather the following information:

- (1) The name, Social Security number, date of birth, and date of death of the deceased service member; and
- (2) The names, Social Security numbers and dates of birth of the surviving family members making the claim, including the same information for any children.

*What happens after a claim is made?*

Under the expedited procedure, once the application has been processed for payment, the Social Security office will send a claims package to the surviving family member(s) who filed the claim. The package should include the application, a cover letter describing any documentation required and instructions regarding the best way to send those documents.

*What type of documentation is required with the application?*

Original or certified copies of the following vital records may be required:

- (1) Proof of death of the service member, such as a death certificate (DD Form 1300);
- (2) Proof of birth for anyone claiming benefits, such as a birth certificate;
- (3) Proof of relationship to the deceased service member, such as a marriage certificate;
- (4) Proof of school attendance for a child age 18 to 19 who is attending high school full-time;
- (5) The Social Security number of any surviving family member if it was not previously provided; and
- (6) For any surviving parent filing for benefits, proof that either or both of the parents were more than 50 percent financially dependent on the deceased service member.

*Where can copies of these vital records be obtained?*

States provide different methods for obtaining certified copies of these documents. Generally, however, an official certificate of every birth, death, marriage, and divorce should be on file in the locality where the event occurred. These records are filed permanently in a state vital statistics office, or in a city, county or other local office.

*For information on where to write for vital records in each state, see [www.cdc.gov/nchs/howto/w2w/w2welcom/htm](http://www.cdc.gov/nchs/howto/w2w/w2welcom/htm).*

*To obtain copies of vital records for an event that occurred overseas or on an overseas military base, such as a birth, marriage, divorce or death, other than a military member's death while on active duty, contact:*

*U.S. Department of State  
Bureau of Consular Affairs,  
Vital Records Office, American  
Citizens Born Abroad - Dept. of  
State Correspondence Branch,  
Suite 510, 1111 19th Street  
N.W., Washington, D.C.  
20522, or call (202) 955-0307.*



The pamphlet entitled “How Work Affects Your Benefits” provides more information on how employment affects Social Security survivor benefits. The pamphlet is available upon request from the Social Security Administration by calling (800) 772-1213. The pamphlet may also be downloaded directly to a computer by visiting [www.ssa.gov/pubs/10069.html](http://www.ssa.gov/pubs/10069.html).



### *When are claims generally paid?*

In most cases, the claim for benefits under the expedited claims procedure will be processed for payment within 48 hours. However, claims for benefits for a child born outside of marriage will not be paid immediately, as the Social Security office will first verify the relationship between the deceased service member and the child.

Surviving family members are entitled to benefits starting from the month of death, but payments usually begin the following month after the death and application is processed. For example, the benefits for the month of March will be paid in April.

### *Are Social Security benefits available for direct deposit?*

Yes. It is helpful for surviving family members to have their benefits deposited directly into their bank account, since direct deposit protects them from loss or theft of the check and mail delays. Direct deposit can be arranged during the claims procedure, by calling the Social Security’s toll-free number, (800) 772-1213, or by submitting an online application at [www.socialsecurity.gov/icdd/](http://www.socialsecurity.gov/icdd/). In addition, a surviving family member can contact their financial institution to establish direct deposit for Social Security benefits.

### *How much will a surviving family member receive under the survivor benefit program?*

The payments depend on several factors, including the surviving family member’s age, the age of any spouse, the number and age of children or parents, and the surviving family member’s ability to work.

## **Influences on Survivor Benefits**

### *How does work affect survivor benefits?*

It is possible to receive Social Security benefits and work at the same time. However, depending on the surviving family member’s age, the Social Security benefits to which the surviving family member is entitled could be reduced if the surviving family member earns more than a specified minimum.

### *How does divorce affect survivor benefits?*

A divorced spouse of a deceased service member can receive benefits as a widow/widower if the marriage lasted 10 years or longer and the spouse is age 60 or older (age 50 if disabled). The divorced spouse would not have to meet the length-of-marriage rule if the divorced spouse is caring for a child who is under age 16 or is disabled and eligible for benefits as a dependent of the deceased service member. The child must be the deceased service member’s natural or legally adopted child.

*How does remarriage affect survivor benefits?*

In general, a surviving spouse will become ineligible for benefits if he or she remarries before the age of 60, unless the later marriage ends by death, divorce or annulment. A surviving spouse who remarries after age 60 (age 50 if disabled) can still collect benefits. A spouse's remarriage has no effect on any benefits being paid to the deceased service member's children.

*How does retirement affect survivor benefits?*

Surviving family members collecting survivor benefits may switch to their own Social Security retirement benefits if the retirement rate is higher than the surviving family member's rate as early as age 63.

In many cases, surviving family members can begin receiving retirement benefits either on their own or as a surviving spouse at age 62, and then switch to the higher benefit when they reach full retirement age. Full retirement age varies based on date of birth, but it is usually between ages 65 and 67. Retiring at any time between age 62 and full retirement age reduces benefits by a specified amount for each month that retirement precedes the attainment of full retirement age.

*For more information on how retirement affects survivor benefits, contact the Social Security Administration at (800) 772-1213, visit a local Social Security office or visit [www.ssa.gov/retirechartred.htm](http://www.ssa.gov/retirechartred.htm).*



# EDUCATION BENEFITS

This section describes education benefits that may be available from both federal and state governments for surviving family members.

## Federal Benefits

*What federal education benefits are available?*

The Department of Veterans Affairs (VA) administers the Survivors' and Dependents' Educational Assistance Program (DEA), which provides education and training opportunities for eligible dependents of a service member. The program offers up to 45 months of education benefits that may be used for a high school diploma or GED, college, graduate school, business, technical or vocational courses, certificate programs, apprenticeships and on-the-job training.

*Who is eligible for DEA benefits?*

The child or spouse (who has not remarried) of the following is eligible:

- (1) A veteran who died or is permanently and totally disabled as the result of a disability arising from active military service;
- (2) A veteran who died from any cause while rated permanently and totally disabled from a service-related disability;
- (3) A service member listed for more than 90 days as missing in action or captured in the line of duty by a hostile force; or
- (4) A service member listed for more than 90 days as forcibly detained or interned in the line of duty by a foreign government or power.

*How is eligibility determined?*

The VA determines eligibility based on the information contained in the required application. Persons deemed eligible will receive a Certificate of Eligibility, following submission of an application for benefits, showing the length of time they are eligible to receive education benefits and how many months of benefits they may receive. Under some circumstances, a beneficiary may choose between possible beginning dates. In such an event, the VA will generally notify the applicant of the possible beginning dates and ending dates based on the application.

For more information on VA educational programs, contact the VA at (888) GIBILL 1 or visit the VA website at [www.gibill.va.gov](http://www.gibill.va.gov).

### *How much is paid?*

Benefits vary depending on the type of educational facility attended and whether the attendee is enrolled full-time or otherwise. Rates in effect since October 1, 2004 range up to \$803 per month for full-time enrollees in eligible colleges and vocational schools.

Checks are normally sent at the beginning of each month for the previous month's activity. Payments for on-the-job or apprenticeship training are not released until after a monthly report of hours worked is processed. If fewer than 120 hours are worked in a month, less than a full benefit payment is made. Payments for correspondence courses are made each calendar quarter after a certification of lessons completed is processed.

### *How long does eligibility for the benefits last?*

Sons and daughters of deceased service members are generally eligible for education benefits from age 18 to age 26. Surviving spouses generally must use any available DEA benefits within 20 years from the first date of eligibility, as discussed above. Before December 10, 2004, surviving spouses had 10 years to use the benefits from the first date of eligibility.

### *What is the application process for educational benefits?*

Those who wish to enroll in the program must obtain a VA Form 22-5490, Application for Survivors' and Dependents' Educational Assistance. The school or training program must certify to the VA an applicant's enrollment in the educational program before DEA benefits will be paid.

Prospective applicants should discuss the application process with the school or training facility official who certifies enrollment for DEA benefits. The school officials to contact may be in any one of the following offices: financial aid, veterans affairs, registrar, admissions or counseling. For on-the-job training or apprenticeships, the official may be in the training, finance or human resources department.

The completed form must be sent to the VA Regional Office that covers the location where the training or education will take place. The appropriate regional office is listed on the form. Children under legal age must obtain the signature of a parent or legal guardian.

In order to qualify for DEA benefits, an educational program must be approved by a state approving agency. Contact the school's Financial Aid Office or the training facility employment office (if seeking aid for a job training program), or contact the VA, to find out whether an educational program qualifies.

To determine the current benefit payment rates under the Survivors' and Dependents' Educational Assistance Program (DEA), visit [www.gibill.va.gov/education/rates.htm](http://www.gibill.va.gov/education/rates.htm).

The Application for Survivors' and Dependents' Educational Assistance, VA Form 22-5490, can be found at [www.vba.va.gov/pubs/forms/22-5490.pdf](http://www.vba.va.gov/pubs/forms/22-5490.pdf) or obtained by calling (888) GIBILL-1. The school or training facility may also have a copy of the form.

For a state-by-state listing of all VA facilities, visit [www1.va.gov/directory/guide/allstate.asp](http://www1.va.gov/directory/guide/allstate.asp).



For more information about how DEA benefits may effect DIC benefits for children of a deceased servicemember, visit the GI bill website at [www.gibill.va.gov/education/c35pam.htm](http://www.gibill.va.gov/education/c35pam.htm).

The application for tutorial assistance, VA Form 22-1990t, is available at [www.vba.va.gov/pubs/forms/22-1990t.pdf](http://www.vba.va.gov/pubs/forms/22-1990t.pdf).

The application for work-study benefits, VA Form 22-8691, is available at [www.vba.va.gov/pubs/forms/22-8691.pdf](http://www.vba.va.gov/pubs/forms/22-8691.pdf).



### *What if the program does not qualify?*

If the program does not currently qualify and has not requested approval from a state approving agency before, an official at the school or training facility may be able to contact the VA to request approval. The VA will refer the official to the appropriate State Approving Agency (SAA).

### *Does receiving DEA benefits affect other benefits?*

For surviving spouses, DEA benefits have no effect on Dependency and Indemnity Compensation (DIC). Please see the section on General Financial Assistance for discussion of DIC benefits.

Children between ages 18 and 23 of a deceased service member are eligible to receive DIC benefits so long as they continue attending a VA-approved school. If they are also eligible for DEA benefits, they must elect which type of benefit to receive. If DEA benefits are elected, the death benefits will stop once DEA benefits are provided. Eligible children are entitled to receive up to 45 months of DEA benefits. However, an eligible child may receive no more than 48 months of combined DEA and DIC benefits. As a consequence, if an educational program lasts longer than 45 months, it may be beneficial to defer DEA benefits while receiving DIC benefits.

### *What other education-related benefits are available?*

Financial reimbursement for tutors and work-study benefits are also available. The application for tutorial assistance should be made on VA Form 22-1990t, Application and Enrollment Certification for Individualized Tutorial Assistance.

Any student receiving VA education benefits who attends school at least three-quarters of the time may be eligible for work-study benefits, including employment at the school veterans' office, VA Regional Office, VA medical facilities or approved state employment offices. Work-study students are paid at the state or federal minimum wage, whichever is greater. The application for work-study benefits should be made on VA Form 22-8691, Application for Work-Study Allowance.

## **State Benefits**

### *Are any state benefits available?*

Yes, many states offer free tuition to state-sponsored institutions of higher learning, such as state universities, to eligible applicants, while other states offer subsidized, rather than free, tuition.

### *Whom should a surviving family member contact about state benefits?*

Surviving family members should contact the state's veterans affairs office, which will often oversee military service-related education benefits for the state. However, some states administer their education

benefits through a higher education agency instead of the state veterans affairs office.

For information about the specific benefits offered by each state, please visit the websites listed for each state in the section on State Resources. Not every state currently has an education benefits program.

## Scholarships

*Are there any scholarships available?*

There are many scholarships available for dependents of service members, and a scholarship specifically designed for the surviving family members of deceased veterans. Each scholarship has its own set of criteria to determine eligibility.

A number of military-related organizations maintain web-based listings with general and military-dependent specific scholarship information. The following table provides contact information for a few of those organizations, in addition to a selection of organizations that provide military-only scholarships:

### **Reserve Officers Association**

In addition to offering scholarship and loan programs to the families of its members, the Reserve Officer Association maintains a list of military dependent scholarships and scholarships for the children of deceased service members generally.

**Phone:** (800) 809-9448

**Website:** [www.roa.org/roal/roal\\_detail.asp?id=806](http://www.roa.org/roal/roal_detail.asp?id=806)

### **Military.com**

Military.com is a commercial, service-related organization that maintains a website offering a scholarship search function for dependents of service members as well as state-by-state education benefits listings.

**Website:** [www.military.com](http://www.military.com)

### **Scholarships for Military Children**

Scholarships for Military Children is a scholarship program that was created by the Defense Commissary Agency. Scholarships for Military Children maintains a website that provides information on and applications for scholarships funded through the manufacturers and suppliers whose products are sold at military commissaries around the globe.

**Phone:** (888) 294-8560

**Website:** [www.MilitaryScholar.org](http://www.MilitaryScholar.org)



### ***Navy-Marine Corps Relief Society***

The Navy-Marine Corps Relief Society maintains a website for information on and applications for educational grants offered and administered by the Navy-Marine Corps Relief Society.

**Phone:** (703) 696-4960

**Website:** [www.nmcrs.org](http://www.nmcrs.org)

### ***Marine Corps Scholarship Foundation***

The Marine Corps Scholarship Foundation website provides information on and applications for scholarships offered by the Foundation to the sons and daughters of current or former United States Marines, and to the children of current or former United States Navy Corpsmen who have served with the United States Marine Corps.

**Phone:** New Jersey Office - (800) 292-7777

Virginia Office - (703) 549-0060

**Website:** [www.marine-scholars.org](http://www.marine-scholars.org)

### ***Air Force Aid Society***

The Air Force Aid Society provides need-based grants of up to \$1,500 to selected sons and daughters of current, former, and deceased Air Force personnel. The Air Force Aid Society website provides information on and applications for the education grants offered by the Society.

**Phone:** (800) 429-9475 or (703) 607-3072

**Website:** [www.afas.org/body\\_grant.htm](http://www.afas.org/body_grant.htm)

### ***Society of Daughters of the U.S. Army (DUSA) Scholarship Awards Program***

The DUSA website provides information on applications for DUSA scholarships, which are offered to daughters or granddaughters of CWOs or officers of the U.S. Army who died on active duty.

**Website:** [www.odedodea.edu/students/dusa.htm](http://www.odedodea.edu/students/dusa.htm)

### ***Army Emergency Relief***

In addition to providing information on and applications for scholarships provided by the Army Emergency Relief to the spouses and children of deceased Army personnel, the Army Emergency Relief also maintains a listing of general financial aid links and scholarship search engines.

**Phone:** (866) 878-6378 or (703) 428-0000

**Website:** [www.aerhq.org/education.asp](http://www.aerhq.org/education.asp)



# RETIREMENT BENEFITS

**T**his section describes the retirement benefits accrued by deceased service members that may be available to surviving family members. There are two types of retirement benefits for service members: military-sponsored benefits and private benefits. Many of the private benefits are available only if the service member, such as a reservist, was employed as a civilian.

## **Military Benefits**

*What types of military retirement benefits were available to the service member?*

Military retirement benefits may include the following:

- (1) Survivor Benefit Plan
- (2) Supplemental Survivor Benefit Plan
- (3) Reserve Component Survivor Benefit Plan
- (4) Thrift Savings Plan
- (5) VA Death Pension

## **Survivor Benefit Plan**

*What is the Survivor Benefit Plan?*

The Survivor Benefit Plan (SBP) is a monthly annuity, or regular cash payment, paid to a surviving spouse, and in some cases to the eligible children, of a service member who is retirement-eligible at the time of Dependency and Indemnity Compensation (DIC) payments and death, and who dies while on active duty. The SBP is intended to supplement Social Security benefits.

*How much is paid under the SBP?*

The SBP payment is equal to 55% of the retirement pay to which the service member would have been entitled if the member had retired on the date of death. This is based upon the service member's years of active service. The amount of the cash payment is reduced by the amount of the monthly DIC payment that a surviving spouse receives from the Department of Veterans Affairs (VA). Please see the section on General Financial Assistance for more information on DIC payments.

To begin the SBP application process, contact:

Defense Finance and Accounting Service Center (for members of the Army, Marine Corp, Navy and Air Force)  
DE/FRB  
6760 E. Irvington Place  
Denver, CO 80279-6000  
www.dfas.mil  
(800) 321-1080

or

U.S. Coast Guard Human Resources Service and Information Center  
Commanding Officer (RAS)  
U. S. Coast Guard  
Personnel Service Center  
444 SE Quincy St  
Topeka KS 66683-3591  
www.uscg.mil/hq/psc/  
(800) 772-8724.



When a surviving spouse reaches age 62, the annuity is reduced to 35% because a surviving spouse becomes eligible for individual Social Security benefits. The SBP annuity is paid until the surviving spouse dies.

*How does a surviving family member apply for SBP?*

Generally, the CAO should initiate the process. If the CAO does not initiate the application process, a surviving family member should notify the Defense Finance and Accounting Service Center or the U.S. Coast Guard Human Resources Service and Information Center to begin the application process. This could also include an application for arrears, if any, in basic pay.

*Will anything limit or suspend the SBP payments?*

Yes. If a surviving spouse remarries before age 55, payment will be suspended. The annuity may be reinstated if this marriage later ends in divorce or annulment or the new spouse dies. If a surviving spouse remarries at age 55 or older, however, the spouse will continue to receive the monthly annuity for life.

*Are children eligible for SBP benefits?*

If the service member elected coverage for both a spouse and for children, the full amount of the annuity is payable to the surviving spouse as long as the spouse remains eligible. If the spouse loses eligibility because of remarriage before age 55 or death, the children of the service member are entitled to the full SBP annuity. The annuity is then paid in equal shares to eligible children under age 18, or under age 22 if the children are full-time students. The coverage stops when the children either reach age 22, leave school, become part-time students or marry.

A child who is disabled before age 18, or before age 22 if the child is a full-time student when the disability occurs, is an eligible beneficiary for life so long as the disability continues and the child remains incapable of self-support. The monthly annuity for children is 55%, is payable for life for permanently disabled children, and is not reduced by DIC payments or when a disabled child attains age 62 and the child becomes eligible for individual Social Security retirement benefits.

## **Supplemental Survivor Benefit Plan**

*What is the Supplemental Survivor Benefit Plan?*

The Supplemental Survivor Benefit Plan (SSBP) is an additional benefit that the deceased service member might have elected for the service member's designated beneficiaries. Under the SSBP, a surviving spouse continues to receive higher benefits once the spouse reaches age 62, which is when the SBP annuity would otherwise be reduced to 35%. If the service member elected the SSBP, the total payment

received by surviving family members could be anywhere between 40% to 55% of the eligible retirement pay, depending on the amount of supplemental benefits the member elected.

### **Reserve Component Survivor Benefit Plan**

*What is the Reserve Component Survivor Benefit Plan?*

The Reserve Component Survivor Benefit Plan (RCSBP) is a monthly annuity paid to the surviving spouse or, in some cases, eligible children, of a Reserve Component member. Members become eligible only after accruing twenty “qualifying” years of service, which should be reported to the member in a twenty-year eligibility letter. In order to participate in this program, the member must have made an election within 90 days of receiving notice of eligibility.

The same restrictions that affect the SBP also affect the RCSBP. If a service member is eligible for both SBP and RCSBP benefits, the beneficiary must choose to receive benefits under only one of the plans.

### **Thrift Savings Plan**

*What is the Thrift Savings Plan?*

The Thrift Savings Plan (TSP) is a federal government-sponsored retirement savings and investment plan. In October 2000, the TSP was extended to members of the military. The TSP is a defined contribution plan and is similar to a 401(k) plan.

If a service member dies while on active duty, the entire account balance in the TSP will be distributed to the beneficiary designated by the service member on the Designation of Beneficiary Form.

Under certain circumstances, payments may be subject to tax. Surviving spouses may be able to roll over the payment to another qualified retirement plan or traditional Individual Retirement Account (IRA) without incurring federal income taxes. Payments to beneficiaries other than surviving spouses are not eligible for tax-free rollovers. Designated beneficiaries are strongly encouraged to consult a tax professional concerning the tax consequences of receiving any TSP distributions.

### **VA Death Pension**

*What if the service member died outside the line of duty?*

If the service member’s death was determined to be outside of the line of duty by the VA, surviving family members still may be eligible for benefits from a VA Death Pension. Benefits would be payable if the service member completed at least two years of active honorable service. Contact the nearest VA Regional Office for more information.

For more information on the Thrift Savings Plan, call the TSP Thriftline at 1-TSP-YOU-FRST ((877) 968-3778) or visit the TSP website at [www.tsp.gov](http://www.tsp.gov).





## Private Retirement Benefits

Entitlement to private benefits depends on the plan and its eligibility and vesting rules, which are usually based on years of service with the employer or membership with the union. All private plans have standards that must be met in order to qualify for benefits. Only those benefits that the employee has earned and is eligible to take from the plan—the so-called “vested” benefits—are paid.

Under many circumstances, receipt of private retirement benefits is subject to tax. Beneficiaries are strongly encouraged to consult a tax professional before making any decisions related to retirement benefits.

*What types of private retirement benefits may have been available to the service member?*

Private retirement benefits include the following:

- (1) employer-sponsored pensions (also known as defined benefit plans);
- (2) employer-sponsored 401(k) plans (also known as defined contribution plans);
- (3) union or multi-employer sponsored pension or 401(k) plans; and
- (4) individual retirement accounts (also known as IRAs).

*If the service member was employed outside the military, how would a surviving family member determine what benefits may be available?*

Surviving family members should contact the plan administrator or other plan official at the service member’s employer or union office to receive complete information on the benefits that may be available, including how to file claims for these benefits.

For each plan, potential beneficiaries should obtain a copy of the summary plan description (SPD). This is a document that the plan administrator must furnish to each plan participant and beneficiary. It gives a detailed summary of the plan: how it works, what benefits it provides, and how they may be obtained. The SPD is also required to spell out the plan participant’s and beneficiary’s rights and protections under ERISA, the federal law that covers most employer-sponsored benefit plans.

## Pension and 401(k) Plans

*How are retirement benefits paid under a pension plan?*

In a typical pension plan, benefits are payable at retirement age. Some may also become payable in the case of death. These plans also permit the employee to designate a beneficiary other than the spouse to receive benefits upon death, but usually the spouse must have consented to this in writing.

The form of the retirement benefit payments (single lump sum or monthly annuity) will be specified by the plan and is subject to a number of complex rules. The plan administrator will provide detailed information about the various forms of payment. Surviving family members should consult a tax advisor before selecting a form of payment.

*How are retirement benefits paid under a defined contribution plan (a 401(k) plan)?*

Most profit sharing and 401(k) plans permit lump sum payments upon termination of employment or death. These plans also permit the employee to designate a beneficiary other than the spouse to receive benefits upon death, but usually the spouse must have consented to this in writing.

*How are claims made for benefits under pension and 401(k) plans?*

Each plan will have a written procedure for processing claims for benefits and for appealing if the claim is denied. This information will be found in the SPD. If for any reason information has not been provided, surviving family members may make a claim in writing to the employer, union or plan administrator. The prospective beneficiary should keep a copy of the letter.

Generally, claims for benefits are processed within 90 days, although 401(k) plans are typically faster than traditional pension plans. Proof of death may be required. If a claim has been denied, the SPD will contain information about how to appeal the decision. Additional information and assistance can be obtained through the Department of Labor.

## **Individual Retirement Accounts (IRAs)**

*What are the options for a beneficiary of an Individual Retirement Account (IRA)?*

The options for a beneficiary of an IRA will vary depending on a number of factors, including whether the beneficiary was specifically named as such in a beneficiary designation, whether the designated beneficiary is the IRA owner's spouse or another individual or entity, and whether the IRA owner had begun receiving distributions from the IRA prior to his or her death. For example, under most circumstances, a surviving spouse has the option to adopt the IRA as his/her own (by changing the title of the IRA account to his or her name or by rolling over the IRA account into the spouse's own IRA account) or simply to take distributions from the decedent's IRA immediately. An election by a surviving spouse to adopt the IRA as his or her own may permit additional income tax deferral by allowing funds to remain in the IRA until the spouse would be required to take distributions. In contrast, a beneficiary of an IRA who is not the spouse of the deceased service member, such as a child, or a beneficiary who is not a designated beneficiary

*In addition to a retirement plan administrator and/or union representative, the Employee Benefits Security Administration of the Department of Labor is also a good resource for information about beneficiaries' rights in pensions and 401(k) plans under federal law.*

*U.S. Department of Labor  
Employee Benefits Security  
Administration  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210  
(202) 219-8776*

*For more detailed benefits information, see [www.dol.gov/ebsa/welcome.html](http://www.dol.gov/ebsa/welcome.html).*



(i.e., not designated as a beneficiary under the IRA plan) cannot adopt the IRA as his or her own, but will generally be required to commence receiving distributions within a year of the decedent's death.

Decisions about the timing and amounts of IRA distributions may have significant tax consequences. Surviving family members are strongly encouraged to consult a tax professional regarding the alternatives available to the beneficiary of an IRA.

Beneficiaries should contact the bank or brokerage firm holding the IRA assets for more information on how to transfer or roll over the assets of the IRA and on how to obtain a distribution.



# HEALTH AND DENTAL CARE COVERAGE

**T**his section describes health and dental care coverage from military sources that may be available to surviving family members.

## Health Care Coverage

### *Eligibility*

*Are surviving family members eligible to receive health care coverage from military providers?*

The primary provider of health care coverage to dependents of active duty service members is called TRICARE. There are different TRICARE plans, called TRICARE Prime, TRICARE Standard and TRICARE Extra, which are explained later in this section. Generally, surviving spouses and children of deceased service members continue to be eligible for TRICARE health benefits. The service's personnel department determines eligibility for health care coverage. Please visit [www.tricare-osd.mil](http://www.tricare-osd.mil) for more information.

Surviving spouses remain eligible for TRICARE unless and until they remarry. However, under certain circumstances, if the marriage is later annulled, the spouse may regain eligibility for TRICARE.

Children of the deceased service member are also eligible for TRICARE. This includes children (1) born within marriage, (2) adopted children and (3) children born outside of marriage to a male service member whose paternity has been established in court, or who resided with the service member and received more than 50% of his or her financial support from the service member.

*When do the benefits for children terminate?*

Children may retain their health care coverage benefits until they marry or reach their 21st birthday, whichever comes first. Children enrolled as full-time students in accredited schools can extend care coverage until their 23rd birthday. Severely disabled children may be covered by TRICARE indefinitely in some circumstances.

To find the nearest uniformed service identification card facility, search by ZIP code at [www.dmdc.osd.mil/rsl](http://www.dmdc.osd.mil/rsl) or contact DEERS at (800) 538-9552.

To obtain TRICARE enrollment and eligibility forms and instructions on how to submit them, visit TRICARE's website at [www.tricare.osd.mil/enrollment/index.cfm](http://www.tricare.osd.mil/enrollment/index.cfm) or call the regional TRICARE representative at the telephone number indicated at the end of this section.

Address changes with TRICARE can be made by family members, without any special permission, online at [www.tricare.osd.mil/DEERSAddress](http://www.tricare.osd.mil/DEERSAddress), by telephone at (800) 538-9552, or by writing to: The Defense Manpower, Data Center Support Office, Attn: COA, 400 Gigling Road, Seaside, CA 93955-6771.



*Are surviving spouses of deceased reserve or national guard service members still eligible for TRICARE?*

Surviving spouses and children of reservists and guardsmen called to active duty service for a period of more than 30 consecutive days are eligible for TRICARE.

## **Continuing TRICARE Coverage**

*How can surviving family members obtain and ensure continuation of TRICARE coverage?*

To receive TRICARE, surviving family members must register with the Defense Enrollment Eligibility Reporting System (DEERS). DEERS is a worldwide computerized database of uniformed services members and their family members and is the key to receiving healthcare benefits. In order to ensure continuation of benefits under TRICARE, surviving family members must update their enrollment through DEERS each year.

Typically, a service member will have originally registered his or her family members by submitting an Application for Uniform Services Identification Card and DEERS Enrollment (DD Form 1172) to the service member's personnel office. However, surviving family members must also register and update their records by submitting a notarized DD Form 1172. The nearest personnel office should be able to provide the required documents.

Once a surviving family member has established eligibility for TRICARE by enrolling in DEERS, the family member must also submit the applicable TRICARE enrollment forms for his or her program and region. To retain eligibility, surviving family members should check their enrollment information in both DEERS and TRICARE each year.

Surviving family members who are 65 years of age or older must enroll in Medicare (Part B) to remain eligible for TRICARE. In addition, if a surviving spouse or child is eligible for Medicare (Part A) as a result of a disability or certain types of kidney diseases, the person who is eligible must also be enrolled in Medicare (Part B) to remain eligible for TRICARE. Issues related to Medicare are described below.

*What about enrolling a newborn child?*

Surviving family members must submit a notarized copy of the DD Form 1172 and birth certificate of the child within a year of birth. Once enrolled in DEERS, newborns will be covered by TRICARE Prime for 60 days starting from the date of birth if another family member is enrolled in TRICARE Prime. To continue coverage under TRICARE Prime, the newborn must be separately enrolled in TRICARE Prime within the 60 day period; otherwise, coverage for the newborn will automatically be changed to TRICARE Standard. The differences between TRICARE Prime and Standard are discussed below.

## Different Plans and Payments

*Do the TRICARE coverage rates change?*

Surviving family members remain eligible for TRICARE benefits at the active duty dependent rates for three years after the service member's death. **At the end of the three-year period, TRICARE eligibility continues but at the retiree dependent rates, which are higher. Conversion to the retiree dependent rates should occur automatically; however, surviving family members receiving TRICARE coverage should verify their continued enrollment at the time of conversion.**

*Do TRICARE benefits change after the conversion to the retiree dependent rates?*

The benefits under each plan will change slightly after the three-year conversion period. For example, the use of Military Treatment Facilities is open to surviving family members, but due to limited capacity at some locations there is a priority system in place. This priority system and the change in benefits and rates are explained in detail on the website at [www.tricare.osd.mil/factsheets](http://www.tricare.osd.mil/factsheets).

*What are the different TRICARE plans?*

There are three different TRICARE plans, each with a slightly different benefit package: TRICARE Prime, TRICARE Standard and TRICARE Extra. Surviving family members are eligible for all three plans depending upon availability at their location. Each plan is described briefly below.

**TRICARE Prime** is a managed care option similar to a civilian health maintenance organization, or HMO. TRICARE Prime offers fewer out-of-pocket costs than any other TRICARE option. TRICARE Prime enrollees receive most of their care from a military treatment facility, augmented by the TRICARE contractor's Preferred Provider Network. TRICARE Prime enrollees are assigned a primary care manager. TRICARE Prime is not available in all areas.

**TRICARE Standard** is a plan under which enrollees can select the authorized provider of their choice. People who want coverage from a current civilian provider often opt for this plan, although having this flexibility means that care generally costs more. Treatment also may be available at a military treatment facility, if space permits and after TRICARE Prime beneficiaries have been served. TRICARE Standard may be the only coverage available in some areas. This option was formerly known as CHAMPUS.

**TRICARE Extra** is a plan that has some of the attributes of the other two plans. Under this option, the enrollee will choose a doctor, hospital, or other medical provider listed in the TRICARE Provider Directory. Although the options are more limited than under TRICARE Standard, it is not necessary to work through a primary care manager to obtain care as required with TRICARE Prime.

A tool to compare TRICARE plans may be found at [www.tricare.osd.mil/TRICAREcomparisons/admin/index.cfm](http://www.tricare.osd.mil/TRICAREcomparisons/admin/index.cfm).



*How should surviving family members select a plan?*

The selection of the best TRICARE plan for a surviving family member will depend upon a number of factors, including family situation, availability of other health care coverage and location. In order to determine the best TRICARE plan, contact the TRICARE regional representative at the telephone number provided at the end of this section.

*Do surviving family members who do not live near a military treatment facility (MTF) qualify for the TRICARE Prime Remote for Active Duty Family Members (TPRADFM) program?*

Under the TPRADFM program, surviving family members (including surviving family members of reservists and guardsmen) are not eligible to enroll in TPRADFM, since the program requires the surviving family members to reside with the active duty sponsor. Surviving family members who do not live near an MTF may use the TRICARE Standard or TRICARE Extra benefit. If the surviving family moves to a TRICARE Prime area, they may enroll in TRICARE Prime. To determine if an area offers TRICARE Prime, surviving family members may contact their TRICARE regional representative. Contact information can be found at [www.tricare.osd.mil](http://www.tricare.osd.mil) and at the end of this section.

*Do surviving family members (including surviving family members of reservists and guardsmen) who do not live near a military treatment facility (MTF) qualify for TRICARE benefits?*

Yes. Surviving family members who do not live near an MTF may use the TRICARE Standard or TRICARE Extra benefit. If the surviving family moves to a TRICARE Prime area, they may enroll in TRICARE Prime. To determine if an area offers TRICARE Prime, surviving family members may contact their TRICARE regional representative. Contact information can be found at [www.tricare.osd.mil](http://www.tricare.osd.mil) and at the end of this section.

*Does eligibility continue for surviving family members (including surviving family members of reservists and guardsmen) enrolled in the TRICARE Prime Remote for Active Duty Family Members (TPRADFM) program at the time of the service member's death?*

No. Eligibility for the TPRADFM program does not continue for surviving family members after the death of the service member. Surviving family members who do not live near a military treatment facility may use the TRICARE Standard or TRICARE Extra benefit. If the surviving family moves to a TRICARE Prime area, they may enroll in TRICARE Prime. To determine if an area offers TRICARE Prime, surviving family members may contact their TRICARE regional representative. Contact information can be found at [www.tricare.osd.mil](http://www.tricare.osd.mil) and at the end of this section.



*What if the surviving family members live outside of the United States?*

In certain countries overseas, surviving family members may be eligible for the TRICARE Global Remote Overseas, which enables enrollees to obtain health care in overseas locations where military treatment facilities are not available.

## Dental Care Coverage

*Are surviving family members of deceased service members eligible to receive dental care coverage?*

Generally, surviving spouses and children of deceased service members are eligible for TRICARE's dental programs. The eligibility requirements for TRICARE's dental programs are the same as those for the health benefits.

*What dental care coverage programs are available?*

**TRICARE Dental Program (TDP)** is available for three years of continued coverage for surviving family members enrolled in the TDP at the time of the service member's death. In some very limited circumstances, this requirement is waived. For example, recent legislation permits enrollment of a child of a deceased service member, under certain circumstances, if the child was below the minimum age for enrollment at the time of the service member's death. Surviving family members should call the TRICARE regional representative to explore this possibility.

**Enhanced TRICARE Retiree Dental Program (Enhanced TRDP)** may be available for surviving family members not eligible for TDP or if the three-year continued coverage period under TDP has ended.

*For a more complete description of benefits available under the Enhanced TRDP, visit the contract administrator's website at [www.ddpdelta.org/basic/dwnld/BasicBB\\_web.pdf](http://www.ddpdelta.org/basic/dwnld/BasicBB_web.pdf) or call Delta Dental Plan at the telephone number listed in the table at the end of this section.*

*Enrollment applications for Enhanced TRDP are available by calling Delta at (888) 838-8737. Online enrollment is available at [www.trdp.com](http://www.trdp.com). Survivors may also enroll by completing and returning an enrollment application along with a check, money order or credit card payment information to Delta at: Delta Dental Plan of California, Federal Services, P.O. Box 537008, Sacramento, CA 95853-7008.*

*Delta customer service representatives are available by phone: (888) 336-3260 or (888) 838-8737 or email at [ddpservice@delta.org](mailto:ddpservice@delta.org).*

*For more information about the Tricare Global Remote Overseas, visit TRICARE's website at [www.tricare.osd.mil/overseas/index.cfm](http://www.tricare.osd.mil/overseas/index.cfm) or call (888) 777-8343.*

*For a more complete description of benefits available under the TDP, visit the contract administrator's website at [www.ucci.com/forms/TDPBenefitBooklet.pdf](http://www.ucci.com/forms/TDPBenefitBooklet.pdf) or call United Concordia Companies, Inc., the administrator and underwriter of the TDP, at the telephone number listed at the end of this section.*

*Applications for enrollment and changing benefits under TDP are available by calling UCCI at (888) 622-2256. Online enrollment is available at [www.ucci.com](http://www.ucci.com).*



Although the coverage of these two programs is similar, the TDP generally costs less than the Enhanced TRDP.

*What is the enrollment process?*

Enrollment in the TDP is handled by United Concordia Companies, Inc. (UCCI), the TDP contract administrator. Once enrolled in TDP, surviving family members must stay in the TDP for at least 12 months with some permitted exceptions, such as loss of DEERS eligibility because of divorce or marriage of a child. After 12 months, enrollment continues on a month-to-month basis.

Enrollment in the Enhanced TRDP is handled by Delta Dental Plan (Delta), the Enhanced TRDP contract administrator. Surviving family members must enroll within 120 days of the service member's death. Once enrolled in Enhanced TRDP, surviving family members must stay in the program for at least 12 months with some permitted exceptions, such as loss of DEERS eligibility because of divorce or marriage of a child.

*How can surviving family members obtain and ensure continuation of TRICARE dental coverage?*

As with TRICARE health care coverage, the information in DEERS about the surviving family member must be current and be updated every year.

## Other Programs

*What program is available if a surviving family member is not eligible for TRICARE?*

Surviving family members who are not eligible for TRICARE may be eligible for the Civilian Health and Medical Program of the Department of Veterans Affairs (VA), or CHAMPVA, a health benefits program run by the VA. CHAMPVA is a "fee for service" program, meaning it provides partial reimbursement for most medical expenses.

Surviving spouses remain eligible for CHAMPVA unless they remarry before the age of 55. However, if the marriage later ends in divorce, is annulled or the subsequent spouse dies, the surviving spouse may regain eligibility for CHAMPVA.

Children may retain their CHAMPVA benefits until they marry or they reach their 18th birthday, whichever comes first. Children enrolled in accredited schools as full-time students can extend coverage to their 23rd birthday. If a full-time student incurs a disabling illness or injury and is no longer enrolled as a full-time student, eligibility for reinstatement of benefits may continue for six months after the disability ceases, for two years after the onset of the disability, or until the student's 23rd birthday, whichever comes first.



### *What does CHAMPVA cover?*

CHAMPVA is similar to TRICARE Standard. For a more complete description of the benefits CHAMPVA provides, please see the CHAMPVA Handbook available at the CHAMPVA website listed in the sidebar on this page, or call the CHAMPVA Health Administration Center at the telephone number listed at the end of this section.

### *What does CHAMPVA cost?*

CHAMPVA has a two-part cost structure. First, enrollees must pay an annual deductible of \$50 per beneficiary (up to \$100 per family) for outpatient care such as doctors' visits and prescriptions. Second, other medical services and supplies have a cost share. CHAMPVA will pay 75% of the allowable amount after the deductible is met for covered medical services and supplies and the enrollee is required to pay their cost share portion.

### *How does a surviving family member apply for benefits under CHAMPVA?*

In order to obtain benefits under CHAMPVA, a surviving family member must submit the following documents:

- (1) Application for CHAMPVA Benefits (VA Form 10-10D);
- (2) Other Health Care Coverage Certification (VA Form 10-7959C), which is a supplemental application for each family member;
- (3) Department of Veterans Affairs rating decision that shows a service-connected death rating; and
- (4) a copy of the casualty report. Please see the section on Death Certificates and Burial Benefits for information on obtaining copies.

In addition, the following additional documents may be required:

- (1) Marriage license (for surviving spouse);
- (2) School certification of full-time enrollment (for children ages 18-23);
- (3) Adoption court order (for surviving adopted children); or
- (4) A copy of the claimant's Medicare card (if Medicare eligible).

Generally, applicants can expect to receive notification from the Health Administration Center regarding the outcome of their application within 45 days. To avoid delays, it is important to attach all relevant supporting documentation to the application.

### *Does CHAMPVA provide dental coverage?*

With very few exceptions, dental care is not covered by CHAMPVA. There may be times when dental coverage is included, but in all cases, preauthorization is required.

*For a more complete description of CHAMPVA's benefits and costs, please see the CHAMPVA Handbook available at the CHAMPVA website: [www.va.gov/hac/champva/handbook/chandbook.pdf](http://www.va.gov/hac/champva/handbook/chandbook.pdf).*

*CHAMPVA forms are available from the VA's website at [www.va.gov/vaforms](http://www.va.gov/vaforms) or by calling the Health Administration Center at 1-800-733-8387. The documents must be submitted by mail to: VA Health Administration Center, CHAMPVA-Eligibility, P.O. Box 65023, Denver, CO 80246-9028.*



*What if surviving family members have other health care coverage?*

Surviving family members who have other health care coverage such as Medicare or health care coverage provided by a civilian employer must submit claims to that care coverage provider first before claiming benefits from CHAMPVA. CHAMPVA is always the secondary payer (by law) unless the recipient is receiving care under Medicaid, State Victims of Crime Compensation Program, or a supplementary insurance policy. In these cases, CHAMPVA pays first.

## Medicare

*What is Medicare?*

Medicare provides health coverage to persons at least 65 years of age and, in limited cases, to persons under 65.

Medicare (Part A) provides coverage for inpatient hospital care, critical access hospitals (which are small facilities that give limited outpatient and inpatient services to people in rural areas) skilled nursing facilities, hospice care, and some home health care. Persons eligible for Medicare (Part A) do not have to pay any monthly premiums for Medicare (Part A) coverage.

Medicare (Part B) provides coverage for doctors' services, outpatient hospital care, and some other medical services that Medicare (Part A) does not cover, such as the services of physical and occupational therapists, and some home health care. Medicare (Part B) helps pay for these covered services and supplies when they are medically necessary. Enrollees will pay a monthly premium for Medicare (Part B).

*What are the eligibility requirements for Medicare (Part A)?*

A person who is 65 years old becomes eligible for Medicare (Part A) when that person or his or her spouse has worked for at least 10 years in Medicare-covered employment and is a citizen or permanent resident of the United States. Persons under 65 years old, including children with a disability or with permanent kidney failure requiring dialysis or transplant, might also qualify for coverage.

## Contacts for Further Assistance

TRICARE makes Benefits Counselors and Assistance Coordinators available to beneficiaries. To find the nearest counselor, visit the TRICARE Benefits Counselor and Assistance Coordinator website provided below, or contact a regional TRICARE representative.

Contact information for the various health and dental care coverage programs discussed in this section is as follows:

For more information about Medicare, visit [www.medicare.gov](http://www.medicare.gov).



<b>Program</b>	<b>Telephone</b>	<b>Website/Email</b>
DEERS	(800) 538-9552	<a href="http://www.tricare.osd.mil/deers">www.tricare.osd.mil/deers</a>
TRICARE		<a href="http://www.tricare.osd.mil">www.tricare.osd.mil</a>
Benefits Counselors and Assistance Coordinators Regional Representatives	Northeast (888) 999-5195 North (877) 874-2273 South (800) 444-5445 Southwest (800) 406-2832 Central (888) 874-9378 West (888) 874-9378 Overseas (888) 777-8343	See links on TRICARE home page
TRICARE Dental Program (TDP) - United Concordia Companies, Inc.	(888) 622-2256	<a href="http://www.ucci.com">www.ucci.com</a>
Enhanced TRICARE Retiree Dental Program Delta Dental Plan of California	(888) 939-8737	<a href="http://www.trdp.org">www.trdp.org</a> <a href="mailto:ddpservice@delta.org">ddpservice@delta.org</a>
CHAMPVA	(800) 733-8387	<a href="http://www.va.gov/hac">www.va.gov/hac</a>
Medicare	(877) 267-2323	<a href="http://www.medicare.gov">www.medicare.gov</a>



# GRIEF SUPPORT, MENTAL HEALTH, AND OTHER HEALTH RESOURCES

**T**his section provides contact information for various military and civilian grief support, mental health and other health-related resources. Health insurance coverage of therapist and psychiatric treatment, as well as more general behavioral health care treatment, can vary widely depending upon the insurance provider, the scope of the specific insurance plan and the nature of the treatment. Most insurance providers offer some type of behavioral health care coverage but surviving family members should consult the policy or insurance company prior to beginning any treatment program.

## ***Military Related Grief Support Resources:***

### ***Tragedy Assistance Program for Survivors (TAPS)***

Provides support for surviving family members of deceased service members—including crisis information, problem-solving assistance and liaison with military agencies.

**Phone:** (800) 959-8277

**Website:** [www.taps.org](http://www.taps.org)

### ***Society of Military Widows***

Offers support and assistance for widows of members of all U.S. uniformed services.

**Phone:** (800) 842-3451

**Website:** [www.militarywidows.org](http://www.militarywidows.org)

**Email:** [benefits@militarywidows.org](mailto:benefits@militarywidows.org)

### ***Young Widows***

Provides an online support group for young widows and widowers. Also provides a listing of local face-to-face support groups, links to other related online email discussion groups and websites for young widows and widowers.

**Website:** [www.youngwidow.com](http://www.youngwidow.com)

### **VA Bereavement Counseling**

The Department of Veterans Affairs (VA) offers bereavement counseling to parents, spouses and children of Armed Forces personnel who died in the service of their country. Also eligible are family members of reservists and National Guardsmen who die while on active duty. A local number for a VA center may be found in the blue pages of the telephone book.

**Phone:** (202) 273-9116

**Website:** [www.va.gov](http://www.va.gov)

**Email:** [vetcenter@hq.med.va.gov](mailto:vetercenter@hq.med.va.gov)

### **Civilian Grief Support Resources:**

#### **AARP Grief and Loss Programs**

Offers a wide range of resources and information on grief and loss issues to bereaved adults and their families. Programs include one-to-one outreach support, a grief course, support groups, interactive online support groups, and informational booklets and brochures.

**Phone:** (202) 434-2260

**Website:** [www.aarp.org/griefandloss](http://www.aarp.org/griefandloss)

**Email:** [griefandloss@aarp.org](mailto:griefandloss@aarp.org)

#### **GriefShare**

Provides a national network of support groups to assist any person suffering from grief over the loss of a loved one. Offers information, referrals, and literature.

**Phone:** (919) 562-2112

**Website:** [www.griefshare.org](http://www.griefshare.org)

**Email:** [info@griefshare.org](mailto:info@griefshare.org)

#### **Rainbows**

Establishes peer support groups in churches, schools or social agencies for children and adults.

**Phone:** (800) 266-3206

**Website:** [www.rainbows.org](http://www.rainbows.org)

**Email:** [info@rainbows.org](mailto:info@rainbows.org)

#### **Grief Recovery Helpline**

The Grief Recovery Helpline is a toll-free service provided by the Grief Recovery Institute, an organization that trains professionals and non-professionals on dealing with grief.

**Phone:** (800) 445-4808

**Website:** [www.grief-recovery.com](http://www.grief-recovery.com)



## **Youth Grief Support Resources:**

### ***Tragedy Assistance Program for Survivors (TAPS)***

TAPS offers programs and information for parents of grieving children, literature recommendations, as well as specific programs geared towards kids, including TAPS Good Grief Youth Camp for surviving family members between 2 to 20 years of age.

**Phone:** (800) 959-8277

**Website:** [www.taps.org/kids](http://www.taps.org/kids)

### ***The Dougy Center***

Offers an extensive list of books about children and grief, and addresses of child grief treatment providers state-by-state. Support information is offered for an audience of children, as well as for caring adults wanting to help a grieving child.

**Phone:** (503) 775-5683

**Website:** [www.dougy.org](http://www.dougy.org)

## **General Mental Health Conditions and Treatment Resources**

### ***Mental Illness Research, Education and Clinical Centers (MIRECC)***

**Website:** [www.mirecc.med.va.gov](http://www.mirecc.med.va.gov)

### ***National Institute of Mental Health (NIMH)***

**Phone:** (866) 615-6464

**Website:** [www.nimh.nih.gov](http://www.nimh.nih.gov)

### ***National Alliance for the Mentally Ill (NAMI)***

**Phone:** (800) 950-6264

**Website:** [www.nami.org](http://www.nami.org)

### ***American Psychological Association Help Center (APA)***

**Website:** [www.helping.apa.org](http://www.helping.apa.org)

### ***National Mental Health Association (NMHA)***

**Phone:** (800) 969-6642

**Website:** [www.nmha.org](http://www.nmha.org)

### ***National Mental Health Services Knowledge Exchange Network***

**Phone:** (800) 789-CMHS

**Website:** [www.mentalhealth.org](http://www.mentalhealth.org)



## ***Depression and Anxiety Resources***

### ***Depression and Related Affective Disorders Association (DRADA)***

Phone: (410) 583-2919

Website: [www.drada.org](http://www.drada.org)

### ***Depression Awareness, Recognition and Treatment Helpline***

Phone: (800) 421-4211

### ***National Foundation for Depressive Illness***

Phone: (800) 248-4344

## ***Post-Traumatic Stress Disorder (PTSD) Resources***

### ***National Center for Post-Traumatic Stress Disorder (PTSD)***

Phone: 802-296-6300

Website: [www.ncptsd.org](http://www.ncptsd.org)

## ***Substance Abuse Resources***

### ***Alcoholics Anonymous***

Phone: (212) 870-3400

Website: [www.alcoholics-anonymous.org](http://www.alcoholics-anonymous.org)

### ***American Council on Alcoholism***

Phone: (800) 527-5344

Website: [www.aca-usa.org](http://www.aca-usa.org)

### ***National Clearinghouse for Alcohol and Drug Information***

Phone: (800) 729-6686

Website: [www.health.org](http://www.health.org)

### ***National Council on Alcoholism and Drug Dependence***

Phone: (800) 622-2255

Website: [www.ncadd.org](http://www.ncadd.org)

### ***American Council for Drug Education***

Phone: (800) DRUG-HELP

Website: [www.drughelp.org](http://www.drughelp.org)



***Substance Abuse & Mental Health Services Administration (SAMHSA)***

Phone: (240) 276-2000

Website: [www.samhsa.gov](http://www.samhsa.gov)

***Alcohol & Drug Abuse Hotline***

Phone: (800) 729-6686

***Crisis Assistance Resources***

***1-800-SUICIDE***

Phone: (800) 959-8277

Website: [www.hopeline.com](http://www.hopeline.com)

***TAPS Crisis Intervention 24-Hour Helpline***

Phone: (800) 784-2433

Website: [www.tapas.org](http://www.tapas.org)

***Covenant House***

Phone: (800) 233-4357

Website: [www.covenanthouse.org](http://www.covenanthouse.org)

***Covenant House Hotline***

Phone: (800) 999-9999

Website: [www.nineline.org](http://www.nineline.org)



# **ADDITIONAL RESOURCES AND OTHER MATTERS**

# PERSONAL FINANCE

**T**his section describes financial matters that the surviving family members of deceased service members may become responsible for, as well as financial benefits available to surviving family members from military and civilian sources.

## Family Assets

If the deceased service member was the person primarily responsible for financial matters, then many of the family's assets may be held under the service member's name. One of the most effective tools in taking control of the family finances is to gain access to, and control of, those assets.

As discussed in the section on Settling the Deceased Service Member's Estate, some of the service member's assets are subject to the legal process known as probate. The executor or administrator of the service member's estate will manage the process of distributing those assets.

Assets not included in the probate process will pass to surviving family members directly as the designated beneficiary or as property held jointly. Surviving family members should identify and gain control of those non-probate assets as quickly as possible.

## Bank Accounts

*How do surviving family members get access to the service member's bank account?*

First, surviving family members should determine whether the service member had a joint account, meaning an account under the names of both the service member and a surviving family member. The surviving family member can continue to use that account. The deceased service member's name should be removed from the account, which can be done by showing the bank a death certificate.

If an account was in the service member's name only, contact the bank to find out what documents are needed to access the account. A surviving spouse that has been named in the service member's will should be able to gain access to the account by showing identification.

*The bank says the account is a “payable-at-death” account. What does that mean?*

This means that the service member already designated a beneficiary to receive the funds remaining in the account in case of death. The beneficiary will normally be asked to present identification to bank personnel in order to receive the funds. If the named beneficiary is a child under 16 years of age, some states allow the bank to transfer the funds to the beneficiary’s legal guardian. The payment of funds under a payable-at-death account is separate from any instructions in the service member’s will.

### **Safety Deposit Boxes**

*Is there anything else to ask the bank?*

Yes. Surviving family members should find out whether the service member had a safety deposit box. Each bank has a different policy about safety deposit box access. If a surviving spouse jointly owned the safety deposit box with the service member, the bank may allow the spouse access to the box. On the other hand, the bank may seal the box and give access only to the administrator or executor of the service member’s estate. If the safety deposit box is only in the name of the deceased, the bank may allow access only to look for a will. Other banks may allow family members to access the safety deposit box if they fill out required forms.

### **Brokerage Accounts**

*Are brokerage accounts similar to bank accounts?*

Yes. A surviving family member named as a beneficiary on a brokerage account may be able to gain access to the assets in a “payable at death” brokerage account before the account goes through the probate process. However, some states do not permit “payable at death” brokerage accounts. Surviving family members should contact the financial institution where the account is held.

### **Real Estate**

*What happens to a house or apartment?*

If the property is rented, surviving family members should review the lease for terms which may affect surviving family members’ rights (for example, if the lease was solely in the name of the deceased service member). If the property is owned, get a copy of the deed from the county clerk in the county where the property is located. It may be necessary to consult a lawyer to determine and protect the surviving family members’ rights to the property. Please see the section on Legal Assistance for information on finding and hiring a lawyer.



If the surviving family member was married to the service member and they purchased the property jointly, the property may be owned together as “tenants in the entirety”, which means that the surviving spouse is now the sole owner. Generally, the surviving spouse should not need to do anything to maintain ownership of the property, but should still contact a lawyer because some states do not recognize this concept.

If the deed says the property was owned by “joint tenants with rights of survivorship,” then the surviving spouse becomes the sole owner of the property automatically on the death of the co-owner, assuming there are no other joint tenants.

*What if the surviving family member was not married to the service member when the property was purchased?*

In this case, the law varies by state and depends on the nature of the relationship between the surviving family member and the deceased service member. Surviving family members should seek legal advice tailored to their particular circumstances.

## **Credit Cards and Credit Reports**

*What if there are amounts due on the service member’s credit card?*

If the credit card was entirely in the service member’s name, the outstanding debt will be paid by the executor or administrator as part of the estate settlement process.

*Can the surviving spouse continue to use the credit card?*

Yes, if the spouse’s name is also on the credit card account. The credit card company cannot automatically close the account or change the terms because of the death of the service member. The credit card company will probably ask the surviving spouse to update the application or reapply in the spouse’s own name. The spouse should still be able to use the account while the company reviews the new application.

*What happens if the credit card company denies credit?*

The surviving spouse should contact the credit card company to find out why. If credit is being denied based on information in the surviving spouse’s credit report, the credit card company is required to provide notice of such a determination in writing. The credit report contains a credit history and is maintained by consumer reporting agencies.

*Why would an application for a credit card or loan be rejected?*

There are many reasons why a surviving family member’s application for credit could be rejected. One reason could be the surviving family member’s credit history. Credit reporting agencies receive information from creditors such as credit card companies, mortgage lenders, and banks. The agencies then compile a person’s credit history, compute a credit report score and provide that information to lenders.



For details on obtaining one free credit report per year visit [www.AnnualCreditReport.com](http://www.AnnualCreditReport.com) or call (877) 322-8228.

The Federal Trade Commission works with consumers to help them identify, stop and avoid fraudulent, deceptive and unfair business practices. To file a complaint or get free information about consumer issues, call (877) FTC-HELP, or visit [www.ftc.gov](http://www.ftc.gov).



Credit report scores are based on factors that appear in the credit reports. These include:

- (1) Bill payment history;
- (2) Total outstanding debt;
- (3) Types of debt;
- (4) Length of credit history; and
- (5) Credit inquiries such as previous rejected attempts at obtaining credit.

*How can one get a copy of his or her credit report?*

The three major credit reporting bureaus which maintain this information are Equifax, Experian and TransUnion. Each of these agencies charges a fee for obtaining a credit report on their websites. However, consumers will be able to obtain one free credit report per year from each of these agencies in an increasing number of jurisdictions beginning December 1, 2004; by September 1, 2005 residents of all U.S. states and territories will be eligible to receive free credit reports through this service.

Even if a consumer has received his or her free credit report within the year, there is no charge for requesting a credit report if a company, like a credit card company, has denied a credit application made by the requesting consumer. The request must be made within 60 days of receipt of the notice of credit denial, which should contain the name, address and telephone number of the credit bureau involved.

Consumers should be wary of emails, unsolicited telephone calls or internet “pop-up” advertisements that purport to offer free credit reports. These offers may be a means of collecting personal information for fraudulent purposes. The three major credit reporting bureaus will not use such methods to contact consumers.

*What if the credit report is wrong?*

Under the Fair Credit Reporting Act the credit reporting agencies and those providing information to them are legally responsible for correcting inaccurate or incomplete credit information.

Anyone who believes that the information in a credit report is inaccurate should inform the credit reporting agency in writing and keep a copy of the letter sent to the agency. The credit reporting agency has an obligation to investigate the matter and to forward all relevant data to the provider of the information being disputed, which must also investigate and report its finding to the credit reporting agency. If either the credit reporting agency or the information provider determines that the information was inaccurate, it must notify all of the other nationwide credit report agencies so corrections can be made.

When the investigation is complete, the credit reporting agency must give the individual disputing the credit report the written results, and a free copy of the revised credit report.

## **Powers of Attorney**

*What is a power of attorney?*

A power of attorney is a legal document by which one person gives another person the authority to act in his or her place. For example, a power of attorney permits one person to sign a contract for another person with binding legal authority. The person who signed the power of attorney is called the principal or grantor, and the person who gains rights from the power of attorney is called the attorney-in-fact.

Surviving family members should find out whether or not the service member had signed a power of attorney prior to deployment. Deploying service members are often encouraged by Legal Assistance Officers to execute powers of attorney to permit family members or trusted associates to manage their affairs while they are deployed.

Often, a power of attorney expires immediately upon the death or incapacity of the grantor. As a result, a power of attorney may not be particularly helpful to surviving family members in securing control over available assets.

## **Financial Planning and Assistance**

Another important step in taking control of family finances is to understand the different kinds of benefits, from both military and private sources, that are available to surviving family members of a service member killed in active duty. Details about these benefits, including survivor benefit plans and benefits for education, are provided in other sections of this handbook, including the section on General Financial Assistance.

### **Financial Planning Assistance**

*What financial planning assistance is available?*

Beneficiaries of Servicemembers' Group Life Insurance (SGLI) proceeds are eligible to receive beneficiary financial counseling services provided through an independent professional services firm, which should be free and personalized. These services are currently provided by Financial Point. Call (888) 243-7351 or email [BFCS@FinancialPoint.com](mailto:BFCS@FinancialPoint.com).

Upon the death of the service member, the VA's Office of Servicemembers' Group Life Insurance will provide information to the beneficiary on how to contact the designated firm to take advantage of this benefit.

In addition, the Air Force Aid Society (AFAS), Army Emergency Relief (AER) and the Navy and Marine Corps Relief Society also offer counseling.



For more information about forbearance and discharge of student loan payments due to hardship, call (800) 4-FED-AID or (800) 433-3243 or visit [www.ed.gov](http://www.ed.gov).



*What does a financial counselor provide?*

The counseling service usually includes a personal meeting with a counselor and may cover estate settlement, health benefit elections, investments, income taxes, retirement planning, and cash flow management. The counselor may prepare a step-by-step personalized financial plan and provide follow-up telephone counseling for one year. Independent firms engaged through SGLI are required to promise not to try to sell any products, and counselors receive no commission for their services.

### **Private Assistance For Financial Difficulties**

*What if a surviving family member has difficulties paying bills?*

The surviving family member should contact the financial institutions, credit card companies, or other parties to whom the surviving family member owes money, either directly or because of debts owed by the deceased service member, to discuss the situation. Surviving family members should not ignore the bills and payments due. Any agreement with a creditor in this regard should be recorded in writing, with a copy sent to the creditor and a copy kept in the surviving family member's records.

Surviving family members may be able to obtain advice on managing financial difficulties and dealing with creditors from organizations such as the National Foundation for Credit Counseling ((800) 388-2227). Alternatively, many military-related organizations, such as the Navy-Marine Corps Relief Society, offer budget counseling services for service members and their families. The CAO should be able to provide assistance in identifying locally available resources.

*What if a surviving family member has difficulty making student loan payments?*

Surviving family members who have student loans can contact the U.S. Department of Education or the lender to find out if the loans can be put into forbearance, meaning that payment requirements may be postponed, although they may not be cancelled altogether. If the service member had a student loan outstanding at the time of death, the loan may be discharged altogether, meaning no further payments are due.

# FEDERAL TAX ISSUES

**T**his section gives general information about federal income and estate tax rules that may apply to deceased service members and their surviving spouses and family members. It is not intended to provide specific tax advice or to take the place of a consultation with a tax professional, such as a certified public accountant or a tax attorney. **This section only discusses U.S. federal tax rules and does not cover state or local tax rules, which may be different from the federal rules discussed in this section and may differ from state to state.**

Because this section is only a general summary, it omits many details about the federal income and estate tax rules it describes. Many of these details, along with answers to questions surviving family members may have, can be found in IRS Publication 3, *Armed Forces Tax Guide*, and IRS Publication 559, *Survivors, Executors and Administrators*. These publications, along with other IRS forms and publications, may be obtained from the IRS website at [www.irs.gov](http://www.irs.gov) or by calling (800) 829-3676. Additional information addressing how to find answers to your tax questions, including the websites of state tax authorities, can be found in the section on State Resources. **Surviving family members are also strongly encouraged to consult with a tax professional for advice about their particular circumstances and for answers to questions they may have.** Under most circumstances, a certified public accountant should suffice.

## Income Tax Returns

*Are income tax returns required to be filed on behalf of the deceased service member?*

Yes. A final income tax return must be filed on behalf of the deceased spouse or family member regardless of the timing or circumstances of death.

*May a surviving spouse file a joint income tax return with the deceased service member?*

Under most circumstances a surviving spouse is eligible to file a joint income tax return with the deceased service member for the year the death occurred, provided that the surviving spouse did not remarry before the end of the year. If a court has appointed an executor or administrator for the estate of the deceased service member, a joint

return for the year of death can only be filed by both the surviving spouse and the executor or administrator. The executor or administrator can also choose to file a separate return.

In addition, under most circumstances the surviving spouse may file a joint return for the next two years after the service member's death if the surviving spouse remains unmarried throughout the year and maintains a household which is the principal place of residence of a child (including a stepchild) for whom the surviving spouse is entitled to take a dependency deduction.

*What if the surviving family member does not file a joint income tax return with the deceased service member?*

If the surviving family member does not file a joint return, a final tax return should be filed by the court-appointed executor or administrator of the deceased service member's estate or, if no such person has been appointed by a court, by any person in possession of the deceased service member's property.

*When should the income tax return be filed?*

The income tax return for the year in which the service member died is generally due by April 15 of the following year. However, extensions are generally available upon a timely request. Also, an automatic extension may be available because of the military service of the deceased service member.

*How does a surviving family member receive an extension?*

There are a number of ways a surviving family member may be eligible for an extension to file a return. A two-month automatic extension is available for service members who were stationed or serving abroad at the time the return was due (generally April 15). Additional extensions are available for those service members who served in a combat zone or outside the United States in support of contingency operations. These extensions are also available for a spouse filing a joint income tax return with the deceased service member.

In addition to these extensions, which are specific to military personnel, all taxpayers are eligible to receive an automatic four-month extension to file an income tax return if a Form 4868, Application for Automatic Extension of Time to File U.S. Individual Tax Return, is filed by the regular due date of the return.

*If a taxpayer receives an extension for filing an income tax return, does he or she also receive an extension for the payment of any taxes owed?*

No. An extension of time to file a tax return does not mean the taxpayer receives an extension to pay the amount of any taxes that are due. Generally, if a taxpayer requests an extension, he or she should estimate and pay the amount of tax due by the regular due date. Interest



generally will be charged on any unpaid tax liability from the regular due date to the date the tax is finally paid. Also, penalties may be charged unless there is reasonable cause for late payment.

*Are there any special U.S. federal income tax issues that arise from the fact that the service member died while serving in the military?*

Yes. Congress has created two programs to reduce or eliminate the income taxes owed by service members who serve in combat zones: the Combat Zone Exclusion and Combat Zone Forgiveness. Each program is described below.

### **The Combat Zone Exclusion**

The Combat Zone Exclusion permits the exclusion of certain pay from income as the result of having served in a combat zone or other qualifying service. This means that the amounts that qualify for the exclusion do not have to be reported as income on any tax returns thereby making those amounts “tax-free”. Under many circumstances, the military will automatically adjust withholding to account for the Combat Zone Exclusion so that whoever prepares the income tax return will not need to make a separate adjustment to receive the tax-free treatment of qualifying income. However, surviving family members may wish to have a tax professional verify that this has been done correctly.

If the deceased service member served in a combat zone or performed other qualifying service during part of any month, all of the military pay received for that month is excluded from income, subject to certain limits for commissioned officers. A combat zone is any area the President designates as an area in which the United States is engaging in combat.

The deceased service member generally will be eligible for the Combat Zone Exclusion during periods in which any of the following apply:

- the service member was assigned on official temporary duty to a combat zone;
- the service member qualified for hostile fire or imminent danger pay while in a combat zone or while performing other qualifying service;
- the service member became a prisoner of war or was missing in action;
- the service member was outside of a combat zone but served in direct support of military operations in a combat zone; or
- the service member was hospitalized as a result of wounds, disease or injury incurred in a combat zone, except that the exclusion does not apply for any month more than two years after the termination of combat activities in the combat zone, as specified by the President.



## Combat Zone Forgiveness

Combat Zone Forgiveness allows certain income taxes to be forgiven, meaning the tax does not need to be paid. If the service member died while serving in a combat zone or from wounds, disease or other injury received in a combat zone, his or her tax liability will be forgiven for the tax year in which death occurred and for any earlier tax year ending on or after the first day the service member actively served in a combat zone. For example, if a service member entered a combat zone in December of 2004 and died in 2005 from wounds, disease or other injury incurred while in the combat zone, tax forgiveness applies to both 2004 and 2005 tax years. The tax forgiveness applies to both military and civilian income for the period in which the tax forgiveness applies (including amounts such as salary that are paid after the time of death). If taxes qualifying for forgiveness have already been paid, a refund claim should be filed, as discussed below. Any unpaid tax liability of the deceased service member at the date of death will be forgiven.

*Under what circumstances could the Combat Zone Exclusion apply and income tax forgiveness not apply?*

If a service member served in a combat zone and qualified for the Combat Zone Exclusion, but left the combat zone and died under circumstances not relating to service in the combat zone, income tax forgiveness will not apply.

*Are any tax forgiveness programs available if a service member is killed by terrorist activity or during military operations but was not serving in a combat zone?*

Tax liability is forgiven for any service member who dies from wounds or injuries incurred in certain terrorist or military actions, other than training exercises. Forgiveness applies if the terrorist activity was primarily directed against the United States or its allies or if the military action involved the armed forces of the United States and resulted from violence or aggression against the United States or its allies. Any multinational force in which the United States participates is considered an ally of the United States. The forgiveness applies to the tax year in which the service member died as well as to all earlier tax years beginning with the year before the year in which the wounds or injury occurred.

## Refunds and Amended Returns

*What is the process for claiming tax forgiveness or a refund?*

If the tax forgiveness provisions apply to a prior year's tax that has been paid and the period for filing a refund claim has not ended, a refund claim should be filed. If any tax is still due, it will be cancelled. Generally, the period for filing a claim for credit or refund of income tax is 3 years from the time the return was filed or 2 years from the time



the tax was paid, whichever is later. However, an automatic extension of the time for filing a claim for credit or refund may be available if the service member was serving in a combat zone or in support of contingency operations. Surviving family members should consult a tax professional to determine whether an extension of the period for filing a claim for refund is available.

If a service member died in a combat zone or as a result of a terrorist or military action, a claim for tax forgiveness can be made by:

- filing a Form 1040 if a tax return has not been filed for the tax year; or
- filing a Form 1040X if a tax return has been filed. A separate Form 1040X must be filed for each year in question.

If a court has appointed an executor or administrator for the estate of the deceased service member, the executor or administrator must participate in claiming the refund, either by filing a joint return with the spouse of the deceased service member or by filing a separate return. When filing a claim for tax forgiveness a number of documents will be required, including a Form DD 1300, Report of Casualty, for the deceased service member, and additional rules will apply.

*How can surviving family members determine the amount of income tax that is eligible for tax forgiveness?*

If the deceased service member was married to the surviving family member and the surviving family member files a joint return, only the service member's part of the joint income tax liability is eligible for the refund or tax forgiveness. If it is difficult to determine what portion of income is eligible for tax forgiveness, the surviving spouse may attach a statement of all income and deductions, and indicate the part that belongs to each spouse. The IRS will then make the proper allocation.

If the deceased service member and spouse lived in a community property state, the surviving spouse may receive tax forgiveness for any taxes due or paid on the surviving spouse's share of the deceased service member's income for the years involved.

If the deceased service member was a family member other than a spouse, the court-appointed executor or administrator of his or her estate is the person responsible for filing a refund claim for all U.S. federal income taxes paid on his or her income for the years involved. In addition, his or her estate will also be forgiven any unpaid U.S. federal income tax owed.

*What if the income tax return for the deceased service member has been filed and some of his or her income qualified for exclusion or forgiveness or some other mistake is discovered?*

If a mistake was made calculating the taxes owed, for example if all of the income earned during the year was not reported or a credit or



deduction was not claimed, an amended or corrected return should be filed using Form 1040X, Amended U.S. Individual Income Tax Return. If a court has appointed an executor or administrator for the estate of the deceased service member, the executor or administrator must participate in amending or correcting the return, either by filing jointly with the spouse of the deceased service member or by filing separately. The amended or corrected return should include copies of any schedules that have been changed and any necessary forms not included with the original return. The Form 1040X should be submitted after a refund has been received or by the due date of the return, whichever is earlier.

*Does the Servicemembers Civil Relief Act apply to the tax liabilities owed by the deceased service member?*

The Servicemembers Civil Relief Act (the “SCRA”) was designed primarily to protect the interests of service members on active duty by providing for the temporary suspension of judicial and administrative proceedings and other transactions that may adversely affect the civil rights of service members. Under certain circumstances, the SCRA may serve to stay court enforcement of tax assessments on personal or real property. Additionally, the SCRA may defer the deadlines for the payment of federal, state or local taxes without interest or penalties. Surviving family members should consult with a legal advisor concerning the possible application of the SCRA.

## Estate Taxes

*When should estate tax returns be filed?*

It may be necessary to file estate tax returns, depending on the size of the deceased service member’s estate. For the vast majority of estates, however, an estate tax return will not be required and no estate taxes will be owed. If estate tax returns are required, the returns should be filed by the court-appointed executor or administrator of the estate. Federal returns and any estate taxes for the estate of a deceased person generally are due nine months after the date of death. Extensions for filing are available, although taxes should be paid on time to avoid interest and penalties. If the deceased service member died while serving in a combat zone or died from wounds, disease or other injury received in a combat zone, special reduced estate tax rates will apply. Generally, no federal estate tax will be due with respect to any property received by a surviving spouse, whether outright or in certain types of trusts, from the deceased service member’s estate, regardless of the size of the estate. The surviving family member (or the court-appointed executor or administrator, if there is such a person) should consult a tax professional regarding the filing requirements, estate tax rates, available credits and deductions and applicable deadlines.



*How will a surviving family member be taxed if he or she receives all or a portion of the deceased service member's estate?*

Generally, the cash and other property of an estate received by a beneficiary will not be subject to income tax. However, certain property, such as retirement benefits and income earned on property of the estate in any year during the estate's administration, may be subject to income tax. Income tax that is not eligible for tax forgiveness is paid by the estate (which is a separate taxpayer for income tax purposes) if the money or property is not distributed to surviving family members during that year. To the extent money or property is distributed to surviving family members in that year, such tax must be paid by those who receive distributions in that year.

The estate may be required to file its own income tax returns, depending on the amount of income earned in the estate in the year in question. If that happens, information will be sent to any other beneficiaries who receive distributions to inform them of their respective personal income tax responsibility, if any, flowing from these distributions.

## **Taxation of Financial Benefits**

*Will any of the money received by surviving family members be taxed?*

Surviving family members may receive various payments in connection with the death of a service member. Surviving family members will not be required to pay tax upon the receipt of many of the payments. Such tax-free payments may include, but are not limited to, the death gratuity, life insurance proceeds, grants from the Intrepid Fallen Heroes Fund, and DIC payments, each of which is discussed in more detail below. For information about the rules that apply to other payments that surviving family members may receive, such as those from 401(k) accounts and Individual Retirement Accounts, surviving family members are urged to consult with a tax professional.

### **The Death Gratuity**

The military services pay a tax-free death gratuity of \$12,000 if the service member died after September 10, 2001 and the death occurred while on active duty or within 120 days after release, if the death was a result of a service-connected cause.

Under a recent retroactive change in the tax law, the rules governing the taxation of the death gratuity have changed. Previously, the death gratuity was \$6,000 but only \$3,000 was nontaxable. Under the new law, if a surviving family member receives a death gratuity because of a death that occurred after September 10, 2001 and the surviving family member paid taxes on any portion of that death gratuity, he or she may be able to claim a refund. Surviving family members should contact a tax professional concerning the availability of a refund as a result of this change in law.



Surviving family members can contact the IRS with tax questions by calling (800) 829-1040.

To contact the Taxpayer Advocate call toll-free (877) 777-4778 or visit the website [www.irs.gov/advocate](http://www.irs.gov/advocate).



In early 2005, Congressional legislation was proposed to increase significantly the amount paid as the Death Gratuity, possibly even with retroactive effect. Surviving family members are encouraged to contact their CAO to determine the status of this and any other pending legislation that might have an effect on the families of deceased service members.

### **Life Insurance Proceeds**

Generally, any life insurance proceeds received as a result of the death of a service member will not be subject to income tax. However, the life insurance policy itself may be includible in the estate of the deceased service member and therefore may be subject to estate tax.

### **Intrepid Fallen Heroes Fund**

Recipients do not have to pay tax on grants received from the Intrepid Fallen Heroes Fund.

### **Dependency and Indemnity Compensation**

The Department of Veterans Affairs pays Dependency and Indemnity Compensation (DIC) if the service member died while on active duty or as a result of injury incurred while on active duty. Please see the section on General Financial Assistance for more information on DIC payments. All DIC payments are exempt from tax.

*Where can surviving family members get additional information or help with unresolved tax issues?*

The IRS can provide answers to many questions. Surviving family members can get help with unresolved tax issues, order free publications and forms, ask about tax consequences and get more information from the IRS in several ways.

To find out what other services are available, the IRS makes available Publication 910, Guide to Free Tax Services, which lists free tax publications and services, and contains an index of tax topics. Surviving family members can obtain this publication, as well as other publications at [www.irs.gov](http://www.irs.gov). Publications can also be ordered by calling: (800) 829-3676. Orders are generally delivered within 10 days.

Surviving family members who are unable to resolve a problem through direct IRS assistance at the IRS's toll free number above should contact a Taxpayer Advocate. The Taxpayer Advocate independently represents taxpayer interests and concerns within the IRS.

**Since this section is only a general summary of potential federal tax issues, taxpayers are encouraged to use these additional resources and to consult with a tax professional.**

# LEGAL ASSISTANCE

**T**his section provides some basic information on legal representation along with tips on selecting and hiring a lawyer. It also describes some available resources for seeking legal assistance, including consultations with a military legal assistance attorney, a civilian attorney for a fee and possible eligibility for free legal services.

## The Role of a Lawyer

The Model Rules of Professional Conduct published by the American Bar Association (ABA), define the role of the lawyer as that of an advisor, advocate, negotiator, and evaluator. The preamble to these rules includes the following passage:

As advisor, a lawyer provides a client with an informed understanding of the client's legal rights and obligations and explains their practical implications. As advocate, a lawyer zealously asserts the client's position under the rules of the adversary system. As negotiator, a lawyer seeks a result advantageous to the client but consistent with requirements of honest dealings with others. As an evaluator, a lawyer acts by examining a client's legal affairs and reporting about them to the client or to others.

## Engaging a Lawyer

Here are a few key issues that should be considered and raised when engaging a lawyer.

### *1. Understand the fees and costs*

On initial contact with a lawyer, surviving family members should ask the lawyer whether there is a fee for the initial consultation, which is the first visit with the lawyer, and if so, how much.

At the first meeting with a lawyer, the client should be prepared to discuss and ask questions about the legal problems or issues which created the need for the lawyer's services.

If, after the first meeting, the surviving family member decides to hire the lawyer, the surviving family member should ask for an estimated

total cost for services. The surviving family member should understand from the first meeting how much the lawyer will charge to handle the matter, which is known as the lawyer's fees. Costs, as opposed to fees, are the expenses incurred to pursue the matter, such as court costs and filing fees if there are papers to be submitted to a court. Typically, the client is responsible for those court costs and filing fees.

The surviving family member should establish an understanding of the required legal fees as well as costs for the action that the lawyer is going to take on his or her behalf. A lawyer may charge on an hourly basis or a contingency fee basis, and he or she should fully explain the reason for the fee. Before actually agreeing upon representation, the client should get an explanation of the fee in writing from the lawyer. Most lawyers will enter into a written agreement listing the fees, other costs, and the nature and extent of the lawyer's representation. This agreement should be signed by both the client and the lawyer. Below is a description of the various types of fees:

- Retainer fee - advance payment to the lawyer for a portion of his or her fee. This is similar to a deposit and is typically required regardless of the type of fee arrangement ultimately established. It is usually nonrefundable even if the client later changes his or her mind and decides to stop retaining the lawyer.
- Contingency fee - an agreed-upon percentage of any monies obtained through settlement, trial or negotiation. This may be as much as 30%.
- Hourly fee - the lawyer's hourly rate multiplied by the number of hours (or portion of hours) spent on the case.
- Fixed fee - a specific amount of money for a specific service.
- Cost advance - periodic advance payment to the lawyer for ongoing expenses.
- Mixed fee - combination of contingency and hourly fees.

## 2. *Establishing that there is a legal problem*

The surviving family member should fully explain the situation to the lawyer without leaving out any facts. Even if they relate to a sensitive subject, some facts could impact the advice given. The surviving family member should also bring any papers or documents that may help explain the story to the first meeting, discuss any practical solutions or non-legal alternatives to the problems as well as all of the options available under the law and advise the lawyer of the position taken by any adverse party.

## 3. *Establishing that the lawyer is qualified to handle the legal problem*

Many lawyers specialize in handling specific legal problems. The surviving family member should find out the type of law the lawyer usu-



ally practices and the lawyer's specialty or expertise. In addition, he or she should discuss with the lawyer how much experience the lawyer has in dealing with similar cases. If the lawyer expresses doubts about his or her competence to handle the matter, the client can ask for a referral to other lawyers who are familiar with similar cases. The client should also ask about the outcome of the other cases that the lawyer has handled, as well as whether or not the anticipated fees and costs that have been quoted by the lawyer are consistent with the fees and costs charged in the other cases.

#### *4. Establishing the length of time it will take to solve the legal problem*

The surviving family member should ask the lawyer how long it has typically taken to bring similar cases to a conclusion in the past. If the case involves issues more complex than the lawyer's previous cases, then it should be determined whether or not that will affect the expected time to resolve this case. The surviving family member should also ask if there are any legal time limitations which restrict the length of time available to bring an action in court. These restrictions are known as statutes of limitations; they vary depending on the nature of the case and the location of the action. The client should ask the lawyer what he or she believes to be the best case and the worst case scenarios with regard to the amount of time that the case will take. If there is no way to predict how long the matter might take, the client should establish the reasons and find out if there is anything he or she can do to make the process faster.

#### *5. Establishing reasonable expectations for what can be accomplished*

The client should ask the lawyer whether or not the facts presented in the first meeting provide enough information to be able to predict somewhat the results of the outcome of any proposed legal action. The lawyer should explain the law as it relates to the case and the effect which existing laws may have on the case. It is extremely important that both the client and lawyer fully understand each other with regard to the results expected. This should play a big part in the ultimate decision of whether or not the cost and the time involved in pursuing the matter are worth the expected results.

## **Where Can the Families of a Deceased Service Member Obtain Legal Assistance?**

### ***Military Legal Assistance***

*Does the military offer legal assistance?*

Yes. The military offers free legal aid to families of service members through legal assistance attorneys located on nearly every military base.



*Who is eligible for legal assistance from the military?*

Surviving family members who were dependents of deceased service members are often eligible for legal assistance from the military. However, the services provided are often limited due to constraints on space, facilities or legal and support staff. In addition, legal assistance attorneys are not authorized to represent surviving family members in court if those family members can afford the fees for such representation without undue hardship.

*What is the role of a legal assistance attorney?*

A legal assistance attorney is a military or civilian Department of Defense lawyer whose primary duty is to advise individuals eligible for military legal assistance about their personal legal affairs. While the service is free, it is subject to the resource constraints described above, and limited to the legal issues covered as described below.

*What are the qualifications of a legal assistance attorney?*

All Department of Defense legal assistance attorneys, whether military or civilian, are graduates of accredited law schools, licensed by a state, and admitted to practice law in at least one state. Nevertheless, it is not possible for any one attorney to have expertise in every area of the law where surviving family members may need professional advice. One should ask a legal assistance attorney about his or her experience and expertise, and the prospects for the matter, as discussed earlier in this section.

*What types of legal services can a military legal assistance attorney provide for families of deceased service members?*

For eligible persons, a military legal assistance attorney can:

Provide advice about select areas of the law, for example:

- Family and domestic relations (including family support, adoption, custody, paternity and name changes);
- Consumer affairs;
- Taxes on real and personal property and income (and, in certain locations, tax preparation and electronic filing);
- Landlord-tenant issues (including leases, security deposits and evictions);
- Immigration and naturalization; and

Perform general legal services such as:

- Serve as advocate and counsel;
- Prepare and sign correspondence on behalf of the client;
- Negotiate with another party or that party's attorney;
- Prepare legal documents;



- Notarize documents;
- Draft powers of attorney;
- Draft wills;
- Offer estate planning advice;
- Review contracts and leases;
- Offer some types of personal financial advice;
- When necessary, refer eligible persons to a civilian lawyer.

Since there are restrictions on the types of services that a military legal assistance attorney can provide, surviving family members who wish to use the services of such an attorney should clearly state the type of services needed at the first meeting. As noted above, although the areas of law and the legal services that these attorneys may be able to provide appear broad, in many instances resource constraints will make it difficult for surviving family members to obtain the services of these attorneys.

**To find the nearest military legal assistance office, use the legal assistance locator at [assistance.law.af.mil](http://assistance.law.af.mil) (note: “www” must be omitted).**

For additional information on legal assistance for each branch of the military, visit the following web addresses or write or call the relevant service branch:

#### **Army**

US Army Legal Assistance Policy Division,  
Client Services Branch  
1777 North Kent Street  
Suite 9001  
Rosslyn, VA 22209  
Phone (703) 696-1477  
[www.jagcnet.army.mil/Legal](http://www.jagcnet.army.mil/Legal)

#### **Air Force**

[arpc.afrc.af.mil/ja/legasst.htm](http://arpc.afrc.af.mil/ja/legasst.htm)  
(Note: the “www” must be omitted)

#### **Navy**

Legal Assistance Division  
1322 Patterson Avenue, Suite 3000  
Washington Navy Yard, DC 20374-5066  
Phone (202) 685-4642  
[www.jag.navy.mil/html/OJAGLegal%20AssistHome.htm](http://www.jag.navy.mil/html/OJAGLegal%20AssistHome.htm)

#### **Coast Guard**

[www.uscg.mil/legal/la/](http://www.uscg.mil/legal/la/)

#### **Marine Corps**

Commandant of the Marine Corps (JAL)  
HQMC  
2 Navy Annex  
Washington, DC 20380-1775  
Phone (703) 614-1266,  
(703) 614-3880, (703) 614-3886  
[sja.hqmc.usmc.mil/jal/JAL.htm](http://sja.hqmc.usmc.mil/jal/JAL.htm)

## **Civilian Legal Assistance**

*Are there other alternatives besides a military legal assistance attorney?*

Surviving family members whose legal needs cannot be met by a military legal assistance attorney should consider contacting a civilian attorney. Finding the right civilian attorney depends on the surviving family member’s legal needs and financial means.



There are a number of online lawyer directories that help put individuals in touch with lawyers who can address their legal needs. The American Bar Association provides a selection of these online services on its website at [www.abanet.org/legalservices/findlegalhelp/hirelawyer.html](http://www.abanet.org/legalservices/findlegalhelp/hirelawyer.html).



## Full Fee Legal Services

Full fee legal services are provided by private civilian attorneys for individuals who do not qualify for free legal services. Please see the discussion below for information on eligibility restrictions for free legal services.

*How do I look for a civilian lawyer?*

The most traditional route for finding a lawyer is to consult other people for a referral. Surviving family members may also ask friends, teachers, employers, co-workers, relatives and neighbors. In addition, there are many legal referral services available.

*How does a legal referral service work?*

The traditional legal referral services organization provides a telephone number where someone will ask the caller questions about his or her needs. This individual most likely is not a lawyer. Based on the discussion, the person will provide contact information for one or more lawyers in the area who seem qualified to handle those legal needs. Generally, there is no charge for legal referral services.

## Low Cost and Free Legal Services

Low cost or free legal services are typically provided through Legal Aid offices or pro bono legal services. Legal Aid offices are staffed with attorneys who offer assistance and expertise on issues that affect the poor. Pro bono legal services are often provided through local bar associations or private law firms by attorneys who donate their time to work for eligible clients. To be eligible for Legal Aid or pro bono legal assistance, an individual's or family's income typically must be around or below the federal poverty line.

It should be noted that if enacted, the legislation proposed in early 2005 to increase significantly the amount paid as the Death Gratuity would likely result in Death Gratuity recipients losing eligibility for free legal services based on income. There are, however, some programs that offer free legal services to the families of deceased service members without regard for their financial circumstances.

*The American Bar Association maintains a state-by-state directory of low-cost and free pro bono legal programs on its website, in addition to useful information on selecting a lawyer and working with a lawyer. Visit [www.findlegalhelp.org](http://www.findlegalhelp.org). For the state-by-state directory select "Pro Bono Programs" from the options at the left of the screen or, to visit the website directly, go to [www.abanet.org/legalservices/findlegalhelp/probonodirectory.shtml](http://www.abanet.org/legalservices/findlegalhelp/probonodirectory.shtml).*

*The Legal Services Corporation (LSC), a private, nonprofit corporation established by Congress, provides certain types of legal services to individuals and families that meet low-income eligibility requirements. For more information on the types of cases LSC handles, income eligibility limits, and the locations of local offices on a state-by-state basis, visit the LSC website at [www.lsc.gov](http://www.lsc.gov), call (202) 295-1500, or send an email to [info@lsc.gov](mailto:info@lsc.gov).*

# STATE RESOURCES

**M**ost states have organizations that provide information or offer assistance to dependents of deceased service members. This information is usually located in the veterans affairs section of a state's official website, which have been provided below. Furthermore, the website for the National Association of State Directors of Veterans Affairs, [www.nasdva.com](http://www.nasdva.com), is a helpful tool for accessing information about state resources available to surviving family members.

Listed below are also links for information on military service-related education benefits for each state. For additional information, surviving family members can also contact the state's veterans office or the higher education agency used by the state. In the table below, "Nothing currently available" indicates that the state does not have an education benefits program at the time of publication of this handbook, but surviving family members should continue to check the sites in case there is a change.

Also, listed below are the websites and general information telephone numbers for state taxing authorities. These websites are a good starting point for obtaining tax return forms and answers to many basic state tax questions. In addition, surviving family members are strongly encouraged to consult with a tax professional for advice about their particular situations.

## **ALABAMA**

*DEPARTMENT OF VETERANS AFFAIRS*

**Phone:** (334) 242-5077

**Website:** [www.va.state.al.us](http://www.va.state.al.us)

*EDUCATION BENEFITS*

[www.va.state.al.us/scholarship.htm](http://www.va.state.al.us/scholarship.htm)

*TAX AUTHORITY*

Alabama Department of Revenue

**Phone:** (334) 242-1170

**Website:** [www.ador.state.al.us](http://www.ador.state.al.us)

## **ALASKA**

*DEPARTMENT OF VETERANS AFFAIRS*

**Phone:** (907) 428-6016

**Website:** [www.ak-prepared.com/vetaffairs](http://www.ak-prepared.com/vetaffairs)

*EDUCATION BENEFITS*

[www.ak-prepared.com/vetaffairs/state\\_benefits.htm](http://www.ak-prepared.com/vetaffairs/state_benefits.htm)

*TAX AUTHORITY*

Alaska State Tax Division

**Phone:** Anchorage: (907) 269-6620

Juneau: (907) 465-2320

**Website:** [www.tax.state.ak.us](http://www.tax.state.ak.us)

*Note:* Alaska does not have an individual income tax at this time.

## **ARIZONA**

*DEPARTMENT OF VETERANS AFFAIRS*

Department of Veterans Services

**Phone:** (800) 852-VETS or (602) 627-3268

**Website:** [www.azvets.com](http://www.azvets.com)

*EDUCATION BENEFITS*

Nothing currently available

*TAX AUTHORITY*

Arizona Department of Revenue

**Phone:** (602) 255-3381 or (602) 352-4090 (AZ only)

**Website:** [www.revenue.state.az.us](http://www.revenue.state.az.us)

## **ARKANSAS**

*DEPARTMENT OF VETERANS AFFAIRS*

**Phone:** (501) 370-3820

**Website:** [www.nasdva.com/arkansas.html](http://www.nasdva.com/arkansas.html)

*EDUCATION BENEFITS*

[www.va.state.al.us/scholarship.htm](http://www.va.state.al.us/scholarship.htm)

*TAX AUTHORITY*

Arkansas Dpt. of Finance and Administration

**Phone:**

Director's phone: (501) 682-2242

Individual Income Tax Hotline: (501) 682-1100

Toll-free (Arkansas only): (800) 882-9275

**Website:** [www.state.ar.us/dfa](http://www.state.ar.us/dfa)



## CALIFORNIA

DEPARTMENT OF VETERANS AFFAIRS

**Phone:** (800) 952-5626

**Website:** [www.cdva.ca.gov](http://www.cdva.ca.gov)

EDUCATION BENEFITS

County Veterans Service Office

**Phone:** (916) 503) 8397

**Website:** [www.cdva.ca.gov/service/feewaiver.asp](http://www.cdva.ca.gov/service/feewaiver.asp)

TAX AUTHORITY

California Franchise Tax Board

**Phone:**

CA Taxes and Homeowners and Renters

Assistance:

(800) 338-0505

(916) 845-6600

Taxpayer Services Center:

(800) 353-9032

**Website:** [www.ftb.ca.gov](http://www.ftb.ca.gov)

*Note:* For Information about legal referral services, please refer to the Legal Assistance section of this handbook.

## COLORADO

DEPARTMENT OF VETERANS AFFAIRS

Department of Military & Veterans Affairs

**Phone:** (303) 894-7474

**Website:** [www.dmva.state.co.us](http://www.dmva.state.co.us)

EDUCATION BENEFITS

Colorado Commission on Higher Education

**Phone:** (303) 866-2723

**Website:**

[www.state.co.us/cche/policy/finaid/guidelines.pdf](http://www.state.co.us/cche/policy/finaid/guidelines.pdf)

TAX AUTHORITY

Colorado Department of Revenue

**Phone:** (303) 238-7378

**Website:**

[www.revenue.state.co.us/main/home.asp](http://www.revenue.state.co.us/main/home.asp)

## CONNECTICUT

DEPARTMENT OF VETERANS AFFAIRS

**Phone:** (860) 529-2571

**Website:** [www.state.ct.us/ctva](http://www.state.ct.us/ctva)

EDUCATION BENEFITS

Nothing currently available

TAX AUTHORITY

Connecticut Department of Revenue Services

**Phone:** (860) 297-5962 or (800) 382-9463 (CT only)

**Website:** [www.ct.gov/drs](http://www.ct.gov/drs)

## DELAWARE

DEPARTMENT OF VETERANS AFFAIRS

Delaware Commission of Veterans Affairs

**Phone:** (302) 739-2792

**Website:** [www.state.de.us/veteran](http://www.state.de.us/veteran)

EDUCATION BENEFITS

Postsecondary Education Commission

**Phone:** (302) 577-3240

**Website:** [www.doe.state.de.us/high-ed/vets.htm](http://www.doe.state.de.us/high-ed/vets.htm)

TAX AUTHORITY

Delaware Division of Revenue

**Phone:**

Public Service Office:

(302) 577-8200 or (800) 292-7826

Office of Personal/Income Taxes: (302) 577-8460

**Website:** [www.state.de.us/revenue/default.shtml](http://www.state.de.us/revenue/default.shtml)

## FLORIDA

DEPARTMENT OF VETERANS AFFAIRS

**Phone:** (800) 827-1000, extension 7400

**Website:** [www.floridavets.org](http://www.floridavets.org)

EDUCATION BENEFITS

Office of Student Financial Assistance

**Phone:** (888) 827-2004

**Website:** [www.firm.edu/doe/osfa/cddvfactsheet.htm](http://www.firm.edu/doe/osfa/cddvfactsheet.htm)

TAX AUTHORITY

Florida Department of Revenue

**Phone:** (800) 352-3671 or (850) 488-6800

**Website:** [www.myflorida.com/dor/taxes](http://www.myflorida.com/dor/taxes)

## GEORGIA

DEPARTMENT OF VETERANS AFFAIRS

Georgia Department of Veterans Service

**Phone:** (404) 656-2300

**Website:** [www.vs.state.ga.us](http://www.vs.state.ga.us)

EDUCATION BENEFITS

None currently available

TAX AUTHORITY

Georgia Department of Revenue

**Phone:** (404) 417-3210 or (877) 602-8477

**Website:** [www2.state.ga.us/Departments/dor](http://www2.state.ga.us/Departments/dor)

## HAWAII

DEPARTMENT OF VETERANS AFFAIRS

Office of Veterans Services

**Phone:**

Oahu: (808) 433-0420

Kauai: (808) 241-3346

Hawaii: (808) 933-0315

Maui: (808) 873-3145

**Website:** [www.dod.state.hi.us/ovs](http://www.dod.state.hi.us/ovs)

EDUCATION BENEFITS

None currently available

TAX AUTHORITY

Hawaii Department of Taxation

**Phone:**

Taxpayer Services:

(808) 587-4242 or (800) 222-3229

January through April 20 only: (808) 587-6515

**Website:** [www.state.hi.us/tax/tax.html](http://www.state.hi.us/tax/tax.html)

## IDAHO

DEPARTMENT OF VETERANS AFFAIRS

Idaho State Department Veterans Services

**Phone:** (208) 334-3513

**Website:** [www.idvs.state.id.us](http://www.idvs.state.id.us)

EDUCATION BENEFITS

Idaho State Department of Veterans Services

**Phone:** (208) 334-3513

**Website:** [www.idvs.state.id.us](http://www.idvs.state.id.us)

TAX AUTHORITY

Idaho State Tax Commission

**Phone:** (800) 972-7660 or (208) 334-7660

**Website:** [www.tax.idaho.gov/index.html](http://www.tax.idaho.gov/index.html)

## ILLINOIS

### DEPARTMENT OF VETERANS AFFAIRS

#### Phone:

Springfield: (217) 782-6641

Chicago: (312) 814-2460

**Website:** [www.state.il.us/agency/dva](http://www.state.il.us/agency/dva)

### EDUCATION BENEFITS

Illinois Attorney General

**Phone:** (800) 382-3000

#### Website:

[www.ag.state.il.us/rights/vetsrights/ch12.html](http://www.ag.state.il.us/rights/vetsrights/ch12.html)

### TAX AUTHORITY

Illinois Department of Revenue

**Phone:** (800) 732-8866 or (217) 782-3336

**Website:** [www.revenue.state.il.us](http://www.revenue.state.il.us)

## INDIANA

### DEPARTMENT OF VETERANS AFFAIRS

**Phone:** (317) 232-3910 or (800)400-4520

**Website:** [www.state.in.us/veteran](http://www.state.in.us/veteran)

### EDUCATION BENEFITS

Indiana Department of Veterans Affairs

**Phone:** (317) 232-3910 or (800) 400-4520

#### Website:

[www.in.gov/veteran/sso/brochure/remission.html](http://www.in.gov/veteran/sso/brochure/remission.html)

### TAX AUTHORITY

Indiana Department of Revenue

**Phone:** (317) 232-2240 or (317) 233-4018

**Website:** [www.in.gov/dor](http://www.in.gov/dor)

## IOWA

### DEPARTMENT OF VETERANS AFFAIRS

Iowa Commission of Veterans Affairs

**Phone:** (515) 242-5331 or (800) 838-4092

**Website:** [www2.state.ia.us/icva](http://www2.state.ia.us/icva)

### EDUCATION BENEFITS

War Orphans Educational Aid

**Phone:** (515) 242-5331 or (800) 838-4092

#### Website:

[www2.state.ia.us/icva/Textweb/orphan.htm](http://www2.state.ia.us/icva/Textweb/orphan.htm)

### TAX AUTHORITY

Iowa Department of Tax Revenue

**Phone:** (800) 367-3388 or (515) 281-3114

**Website:** [www.state.ia.us/tax](http://www.state.ia.us/tax)

## KANSAS

### DEPARTMENT OF VETERANS AFFAIRS

Kansas Commission on Veterans Affairs

**Phone:** (785) 296-3976

**Website:** [www.kcva.org](http://www.kcva.org)

### EDUCATION BENEFITS

Kansas Commission on Veterans' Affairs

**Phone:** (785) 296-3976

**Website:** [www.kcva.org/central.html#education](http://www.kcva.org/central.html#education)

### TAX AUTHORITY

Kansas Department of Revenue

**Phone:** (785) 368-8222

**Website:** [www.ksrevenue.org](http://www.ksrevenue.org)

## KENTUCKY

### DEPARTMENT OF VETERANS AFFAIRS

**Phone:** (502) 564-9203 or (888) 724-7683

**Website:** [www.kdva.net](http://www.kdva.net)

### EDUCATION BENEFITS

Kentucky Department of Veterans Affairs

**Phone:** (502) 564-9203 or (888) 724-7683

**Website:** [www.kdva.net/benefitsbook.pdf](http://www.kdva.net/benefitsbook.pdf)

### TAX AUTHORITY

Kentucky Department of Revenue

#### Phone:

General Assistance: (502) 564-4581

Taxpayer Ombudsman: (502) 564-7822

**Website:** [www.revenue.ky.us](http://www.revenue.ky.us)

*Note:* For information about legal referral services, please refer to the Legal Assistance section of this handbook.

## LOUISIANA

### DEPARTMENT OF VETERANS AFFAIRS

**Phone:** (225) 922-0500

**Website:** [www.nasdva.com/louisiana.html](http://www.nasdva.com/louisiana.html)

### EDUCATION BENEFITS

Louisiana Department of Veterans Affairs

**Phone:** (225) 922-0500

**Website:** [www.nasdva.com/louisiana.html](http://www.nasdva.com/louisiana.html)

### TAX AUTHORITY

Louisiana Department of Revenue

**Phone:** (225) 219-0102

**Website:** [www.rev.state.la.us](http://www.rev.state.la.us)

## MAINE

### DEPARTMENT OF VETERANS AFFAIRS

Maine Bureau of Veterans Services

**Phone:** (207) 626-4464

**Website:** [www.mainebvs.org](http://www.mainebvs.org)

### EDUCATION BENEFITS

Department of Defense, Veterans and  
Emergency Management

**Phone:** (207) 626-4464 or (800) 345-0116

**Website:** [www.state.me.us/va/defense/vb.htm](http://www.state.me.us/va/defense/vb.htm)

### TAX AUTHORITY

Maine Revenue Services

#### Phone:

Income Tax Assistance: (207) 626-8475

Taxpayer Advocate: (207) 624-9649

**Website:** [www.state.me.us/revenue/homepage.html](http://www.state.me.us/revenue/homepage.html)

## MARYLAND

### DEPARTMENT OF VETERANS AFFAIRS

**Phone:** (410) 333-4428 or (800) 446-4926

**Website:** [www.mdva.state.md.us](http://www.mdva.state.md.us)

### EDUCATION BENEFITS

Maryland Higher Education Commission

**Phone:** (800) 974-1024

**Website:** [www.mhec.state.md.us](http://www.mhec.state.md.us)

### TAX AUTHORITY

Comptroller of Maryland

#### Phone:

From Central Maryland: (410) 260-7980

Elsewhere in Maryland: (800) MD-TAXES

**Website:** [www.comp.state.md.us](http://www.comp.state.md.us)





## **MASSACHUSETTS**

### *DEPARTMENT OF VETERANS AFFAIRS*

Department of Veterans Services

**Phone:** (617) 210-5480

**Website:** [www.mass.gov](http://www.mass.gov) (click on "State Government" at top of the page, then to "A-Z Agency List" (under Branches and Departments), then click on "Department of Veterans Services")

### *EDUCATION BENEFITS*

Massachusetts Board of Higher Education Office of Student Financial Assistance

**Phone:** (617) 727-9420

**Website:** [www.mass.gov](http://www.mass.gov)

### *TAX AUTHORITY*

Massachusetts Department of Revenue

**Phone:** (617) 887-MDOR or (800) 392-6089

**Website:** [www.dor.state.ma.us](http://www.dor.state.ma.us)

## **MICHIGAN**

### *DEPARTMENT OF VETERANS AFFAIRS*

**Phone:** (517) 483-5500

**Website:** [www.michigan.gov/dmva](http://www.michigan.gov/dmva)

### *EDUCATION BENEFITS*

Michigan Veterans Trust Fund

**Phone:** (517) 373-3130

**Website:** [www.michigan.gov/mistudentaid](http://www.michigan.gov/mistudentaid)

### *TAX AUTHORITY*

Michigan Department of Treasury

**Phone:** (800) 827-4000

**Website:** [www.michigan.gov/treasury](http://www.michigan.gov/treasury)

## **MINNESOTA**

### *DEPARTMENT OF VETERANS AFFAIRS*

**Phone:** (651) 296-2784

**Website:** [www.mdva.state.mn.us](http://www.mdva.state.mn.us)

### *EDUCATION BENEFITS*

Commission of Higher Education

**Phone:** (406) 440-6594

**Website:** [www.mdva.state.mn.us/Publicwebsite/WOEducation.htm](http://www.mdva.state.mn.us/Publicwebsite/WOEducation.htm)

### *DEPENDENT ASSISTANCE*

**Phone:** (651) 296-2784

**Website:** [www.mdva.state.mn.us](http://www.mdva.state.mn.us)

### *TAX AUTHORITY*

Minnesota Department of Revenue

**Phone:**

Individual Income Tax Helpline: (651) 296-3781

Taxpayer Rights Advocate: (651) 556-6013

**Website:** [www.taxes.state.mn.us](http://www.taxes.state.mn.us)

## **MISSISSIPPI**

### *DEPARTMENT OF VETERANS AFFAIRS*

Mississippi Veterans Affairs Board

**Phone:** (601) 576-4850 or (877) 203-5632

**Website:** [www.state.ms.us](http://www.state.ms.us) (click on "Mississippi Government," then "State Agencies" and then "Veterans Affairs Board")

### *EDUCATION BENEFITS*

Mississippi Veterans Affairs Board

**Phone:** (601) 576-4850 or (877) 203-5632

**Website:** [www.state.ms.us](http://www.state.ms.us)

### *DEPENDENT ASSISTANCE*

**Phone:** (601) 576-4850 or (877) 203-5632

**Website:** [www.state.ms.us](http://www.state.ms.us) (Veterans Affairs)

### *TAX AUTHORITY*

Mississippi State Tax Commission

**Phone:** (601) 923-7089

**Website:** [www.mstc.state.ms.us](http://www.mstc.state.ms.us)

## **MISSOURI**

### *DEPARTMENT OF VETERANS AFFAIRS*

Missouri Veterans Commission

**Phone:** (866) 838-4636

**Website:** [www.mvc.dps.mo.gov](http://www.mvc.dps.mo.gov)

### *EDUCATION BENEFITS*

Nothing currently available

### *TAX AUTHORITY*

Missouri Department of Revenue

**Phone:** (573) 751-3505

**Website:** [www.dor.state.mo.us](http://www.dor.state.mo.us)

## **MONTANA**

### *DEPARTMENT OF VETERANS AFFAIRS*

Montana Veterans Affairs Division

**Phone:** See website for list of phone numbers

**Website:** [www.state.mt.us/dma/veterans](http://www.state.mt.us/dma/veterans)

### *EDUCATION BENEFITS*

Nothing currently available

### *TAX AUTHORITY*

Montana Department of Revenue

**Phone:** (406) 444-6900

**Website:** [www.discoveringmontana.com/revenue/formsandresources/forms.asp](http://www.discoveringmontana.com/revenue/formsandresources/forms.asp)

## **NEBRASKA**

### *DEPARTMENT OF VETERANS AFFAIRS*

**Phone:** (402) 471-2458

**Website:** [www.vets.state.ne.us](http://www.vets.state.ne.us)

### *EDUCATION BENEFITS*

Department of Veterans Affairs

**Phone:** (402) 471-2458

**Website:**

[www.vets.state.ne.us/index\\_html?page=content/benefits.html](http://www.vets.state.ne.us/index_html?page=content/benefits.html)

### *TAX AUTHORITY*

Nebraska Department of Revenue

**Phone:**

In Nebraska or Iowa: (800) 742-7474

Elsewhere: (402) 471-5729

**Website:** [www.revenue.state.ne.us](http://www.revenue.state.ne.us)

## NEVADA

### DEPARTMENT OF VETERANS AFFAIRS

Office of Veterans Services

**Phone:** (775) 688-1155 or (702) 636-3070

**Website:** [www.state.nv.us/veterans](http://www.state.nv.us/veterans)

### EDUCATION BENEFITS

Nothing currently available

### TAX AUTHORITY

Nevada Department of Taxation

**Phone:**

Carson City: (775) 684-2000

Las Vegas: (702) 486-2300

Reno: (775) 688-1295

Elko: (775) 753-1115

Hederson: (702) 486-2300

**Website:** [www.tax.state.nv.us](http://www.tax.state.nv.us)

## NEW HAMPSHIRE

### DEPARTMENT OF VETERANS AFFAIRS

New Hampshire State Veterans Council

**Phone:** (603) 624-9230

**Website:** [www.state.nh.us/nhveterans](http://www.state.nh.us/nhveterans)

### EDUCATION BENEFITS

New Hampshire State Veterans Council

**Phone:** (603) 624-9230

**Website:**

[www.state.nh.us/nhveterans/bene.html#edu](http://www.state.nh.us/nhveterans/bene.html#edu)

### TAX AUTHORITY

New Hampshire Department of Revenue Administration

**Phone:** (603) 271-2191

**Website:** [www.state.nh.us/revenue](http://www.state.nh.us/revenue)

## NEW JERSEY

### DEPARTMENT OF VETERANS AFFAIRS

New Jersey Veterans Affairs

**Phone:** (800) 624-0508

**Website:** [www.state.nj.us/military/veterans](http://www.state.nj.us/military/veterans)

### EDUCATION BENEFITS

Department of Military Affairs

**Phone:** (800) 624-0508

**Website:**

[www.state.nj.us/military/veterans/njguide/warorphans.html](http://www.state.nj.us/military/veterans/njguide/warorphans.html)

### TAX AUTHORITY

New Jersey Division of Taxation

**Phone:** (609) 292-6400

**Website:** [www.state.nj.us/treasury/taxation](http://www.state.nj.us/treasury/taxation)

## NEW MEXICO

### DEPARTMENT OF VETERANS AFFAIRS

New Mexico Veterans Service Commission

**Phone:** (505) 827-6300

**Website:** [www.state.nm.us/veterans](http://www.state.nm.us/veterans)

### EDUCATION BENEFITS

New Mexico Veterans Service Commission

**Phone:** (505) 827-6300

**Website:** [www.state.nm.us/veterans](http://www.state.nm.us/veterans)

### TAX AUTHORITY

New Mexico Taxation and Revenue Department

**Phone:**

Tax Information and Policy: (505) 827-0908

PBX Operator: (505) 827-0700

**Website:** [www.state.nm.us/tax](http://www.state.nm.us/tax)

## NEW YORK

### DEPARTMENT OF VETERANS AFFAIRS

NY State Division of Veterans Affairs

**Phone:** (888) 838-7697

**Website:** [www.veterans.state.ny.us](http://www.veterans.state.ny.us)

### EDUCATION BENEFITS

NY State Division of Veterans Affairs

**Phone:** (888) 838-7697

**Website:**

[www.veterans.state.ny.us/benefits.htm#SUMMA](http://www.veterans.state.ny.us/benefits.htm#SUMMA)

### TAX AUTHORITY

New York State Department of Taxation and Finance

**Phone:** (800) 225-5829

**Website:** [www.tax.state.ny.us](http://www.tax.state.ny.us)

## NORTH CAROLINA

### DEPARTMENT OF VETERANS AFFAIRS

Division of Veterans Affairs

**Phone:** See website for district office phone numbers

**Website:** [www.doa.state.nc.us/doa/vets/va.htm](http://www.doa.state.nc.us/doa/vets/va.htm)

### EDUCATION BENEFITS

Division of Veterans Affairs

**Phone:** See website for district office phone numbers

**Website:** [www.doa.state.nc.us/doa/vets/va.htm](http://www.doa.state.nc.us/doa/vets/va.htm)

### TAX AUTHORITY

North Carolina Department of Revenue

**Phone:** (877) 252-3052

**Website:** [www.dor.state.nc.us](http://www.dor.state.nc.us)

*Note:* For information about legal referral services, please refer to the Legal Assistance section of this handbook.

## NORTH DAKOTA

### DEPARTMENT OF VETERANS AFFAIRS

North Dakota Veterans Affairs

**Phone:** (701) 239-7165

**Website:** [www.state.nd.us/veterans](http://www.state.nd.us/veterans)

### EDUCATION BENEFITS

North Dakota Veterans Affairs

**Phone:** (701) 239-7165

**Website:**

[www.state.nd.us/veterans/benefits/waiver.html](http://www.state.nd.us/veterans/benefits/waiver.html)

### TAX AUTHORITY

North Dakota Office of State Tax Commissioner

**Phone:**

General Information: (701) 328-2770

Individual Income Tax: (701) 328-3450

**Website:** [www.state.nd.us/taxdpt](http://www.state.nd.us/taxdpt)





## OHIO

### DEPARTMENT OF VETERANS AFFAIRS

Governor's Office of Veterans Affairs

**Phone:** (614) 644-0898

**Website:** [www.veteransaffairs.ohio.gov](http://www.veteransaffairs.ohio.gov)

### EDUCATION BENEFITS

Ohio Board of Regents/State Grants and Scholarships Department

**Phone:** (888) 833-1133

**Website:** [www.regents.state.oh.us/sgs/waroprhans.htm](http://www.regents.state.oh.us/sgs/waroprhans.htm)

### TAX AUTHORITY

Ohio Department of Taxation

**Phone:** (800) 282-1780

**Website:** [www.tax.ohio.gov](http://www.tax.ohio.gov)

## OKLAHOMA

### DEPARTMENT OF VETERANS AFFAIRS

**Phone:** (405) 521-3684 or (918) 781-7800

**Website:** [www.odva.state.ok.us](http://www.odva.state.ok.us)

### EDUCATION BENEFITS

Nothing currently available

### TAX AUTHORITY

Oklahoma Tax Commission

**Phone:** (405) 521-3160 or (800) 522-8165, ext. 13160

**Website:** [www.oktax.state.ok.us](http://www.oktax.state.ok.us)

## OREGON

### DEPARTMENT OF VETERANS AFFAIRS

**Phone:** (800) 692-9666 or (503) 373-2085

**Website:** [www.odva.state.or.us](http://www.odva.state.or.us)

### EDUCATION BENEFITS

Nothing currently available

### TAX AUTHORITY

Oregon Department of Revenue

**Phone:** (503) 378-4988 or (800) 356-4222

**Website:** [www.dor.state.or.us](http://www.dor.state.or.us)

## PENNSYLVANIA

### DEPARTMENT OF VETERANS AFFAIRS

Department of Military and Veterans Affairs

**Phone:** (800) 54-PA-VET

**Website:**

[www.sites.state.pa.us/PA\\_Exec/Military\\_Affairs/va/index.htm](http://www.sites.state.pa.us/PA_Exec/Military_Affairs/va/index.htm)

### EDUCATION BENEFITS

Bureau for Veterans Affairs

**Phone:** (800) 54- PA-VET

**Website:**

[www.sites.state.pa.us/PA\\_Exec/Military\\_Affairs/va/benefits.htm#educ](http://www.sites.state.pa.us/PA_Exec/Military_Affairs/va/benefits.htm#educ)

### TAX AUTHORITY

Pennsylvania Department of Revenue

**Phone:**

Automated FACT line: (888) PA TAXES

Individual Taxpayer Services: (717) 787-8201

Taxpayer Rights Advocate: (717) 772-9347

**Website:** [www.revenue.state.pa.us](http://www.revenue.state.pa.us)

## RHODE ISLAND

### DEPARTMENT OF VETERANS AFFAIRS

Division of Veterans Affairs

**Phone:** (401) 462-0324

**Website:** [www.dhs.ri.gov/dhs/dvetaff.htm](http://www.dhs.ri.gov/dhs/dvetaff.htm)

### EDUCATION BENEFITS

Nothing currently available

### TAX AUTHORITY

Rhode Island Division of Taxation

**Phone:** (401) 222-1040

**Website:** [www.tax.state.ri.us](http://www.tax.state.ri.us)

## SOUTH CAROLINA

### DEPARTMENT OF VETERANS AFFAIRS

Office of the Governor, Division of Veterans Affairs

**Phone:** (803) 734-0200

**Website:** [www.govoepp.state.sc.us/vetaff.htm](http://www.govoepp.state.sc.us/vetaff.htm)

### EDUCATION BENEFITS

Office of the Governor

**Phone:** (803) 255-4255

**Website:** [www.govoepp.state.sc.us/vabenef.htm](http://www.govoepp.state.sc.us/vabenef.htm)

### TAX AUTHORITY

South Carolina Department of Revenue

**Phone:** (803) 898-5709

**Website:** [www.sctax.org](http://www.sctax.org)

## SOUTH DAKOTA

### DEPARTMENT OF VETERANS AFFAIRS

South Dakota Division of Veterans Affairs

**Phone:** (605) 773-4981

**Website:**

[www.state.sd.us/military/VetAffairs/sdmva.htm](http://www.state.sd.us/military/VetAffairs/sdmva.htm)

### EDUCATION BENEFITS

South Dakota Division of Veterans Affairs

**Phone:** (605) 773-4981

**Website:**

[www.state.sd.us/military/VetAffairs/benefits.htm](http://www.state.sd.us/military/VetAffairs/benefits.htm)

### TAX AUTHORITY

South Dakota Department of Revenue and Regulation

**Phone:** (603) 773-3311

**Website:** [www.state.sd.us/drr2/revenue.html](http://www.state.sd.us/drr2/revenue.html)

*Note:* South Dakota does not have an individual income tax at this time.

## TENNESSEE

### DEPARTMENT OF VETERANS AFFAIRS

**Phone:** (615) 741-1346 or (800) 342-1663

**Website:** [www.state.tn.us/veteran](http://www.state.tn.us/veteran)

### EDUCATION BENEFITS

Nothing currently available

### TAX AUTHORITY

Tennessee Department of Revenue

**Phone:** (800) 342-1003

**Website:** [www.state.tn.us/revenue](http://www.state.tn.us/revenue)

## TEXAS

### DEPARTMENT OF VETERANS AFFAIRS

Texas Veterans Commission

**Phone:** (800) 252-8387

**Website:** [www.tvc.state.tx.us](http://www.tvc.state.tx.us)

### EDUCATION BENEFITS

Texas Veterans Commission

**Phone:** (800) 252-8387

**Website:** [www.tvc.state.tx.us](http://www.tvc.state.tx.us)

### TAX AUTHORITY

Texas State Comptroller

**Phone:** (800) 654-3463

**Website:** [www.window.state.tx.us](http://www.window.state.tx.us)

*Note:* Texas does not have an individual income tax at this time.

*Note:* For information about legal referral services, please refer to the Legal Assistance section of this handbook.

## UTAH

### DEPARTMENT OF VETERANS AFFAIRS

Utah Division of Veterans' Affairs

**Phone:** (800) 894-9497 or (801) 326-2372

**Website:** [www.ut.ngb.army.mil/veterans](http://www.ut.ngb.army.mil/veterans)

### EDUCATION BENEFITS

Nothing currently available

### TAX AUTHORITY

Utah State Tax Commission

**Phone:**

Salt Lake City: (801) 297-2200

Outside Salt Lake City: (800) 662-4335

**Website:** [www.tax.utah.gov/index.html](http://www.tax.utah.gov/index.html)

## VERMONT

### DEPARTMENT OF VETERANS AFFAIRS

Office of Veterans Affairs

**Phone:** (802) 828-3379

**Website:** [www.va.state.vt.us](http://www.va.state.vt.us)

### EDUCATION BENEFITS

Nothing currently available

### TAX AUTHORITY

Vermont Department of Taxes

**Phone:** (866) 828-2865 or (802) 828-2865

**Website:** [www.state.vt.us/tax](http://www.state.vt.us/tax)

## VIRGINIA

### DEPARTMENT OF VETERANS AFFAIRS

Department of Veterans Services

**Phone:** (540) 857-7101

**Website:** [www.vdva.vipnet.org](http://www.vdva.vipnet.org)

### EDUCATION BENEFITS

Department of Veterans Services

**Phone:** (540) 857-7101

**Website:** [www.vdva.vipnet.org/education\\_benefits.htm](http://www.vdva.vipnet.org/education_benefits.htm)

### TAX AUTHORITY

Virginia Department of Taxation

**Phone:** (804) 367-8031

**Website:** [www.tax.virginia.gov](http://www.tax.virginia.gov)

## WASHINGTON

### DEPARTMENT OF VETERANS AFFAIRS

**Phone:** (800) 562-2308 or (360) 586-1070

**Website:** [www.dva.wa.gov](http://www.dva.wa.gov)

### EDUCATION BENEFITS

Nothing currently available

### TAX AUTHORITY

Washington State Department of Revenue

**Phone:**

Tax Assistance: (800) 647-7706

Taxpayer Rights Advocate: (360) 705-6714

**Website:** [www.dor.wa.gov](http://www.dor.wa.gov)

## WEST VIRGINIA

### DEPARTMENT OF VETERANS AFFAIRS

West Virginia Division of Veterans Affairs

**Phone:** (304) 266-3661 or (888) 838-2332

**Website:** [wvs.state.wv.us/va](http://wvs.state.wv.us/va)

### EDUCATION BENEFITS

West Virginia Division of Veterans Affairs

**Phone:** (304) 266-3661 or (888) 838-2332

**Website:** [www.state.wv.us/va/state\\_fed.htm](http://www.state.wv.us/va/state_fed.htm)

### TAX AUTHORITY

West Virginia State Tax Department

**Phone:** (304) 558-3333 or (800) 982-8297

**Website:** [www.state.wv.us/taxdiv](http://www.state.wv.us/taxdiv)

## WISCONSIN

### DEPARTMENT OF VETERANS AFFAIRS

**Phone:** (608) 266-1311 or (800) 947-8387

**Website:** [dva.state.wi.us](http://dva.state.wi.us)

### EDUCATION BENEFITS

Department of Veterans Affairs

**Phone:** (608) 266-1311 or (800) 947-8387

**Website:**

[www.dva.state.wi.us/Ben\\_education.asp#TuitionGrant](http://www.dva.state.wi.us/Ben_education.asp#TuitionGrant)

### TAX AUTHORITY

Wisconsin Department of Revenue

**Phone:** (608) 266-2772

**Website:** [www.dor.state.wi.us](http://www.dor.state.wi.us)

## WYOMING

### DEPARTMENT OF VETERANS AFFAIRS

**Phone:** (304) 558-3661 or (888) 838-2332

**Website:** [www.wyoming.gov/governor/boards/veterans/veterans.asp](http://www.wyoming.gov/governor/boards/veterans/veterans.asp)

### EDUCATION BENEFITS

Nothing currently available

### TAX AUTHORITY

Wyoming Department of Revenue

**Phone:** (307) 777-7961

**Website:** [www.revenue.state.wy.us](http://www.revenue.state.wy.us)

*Note:* Wyoming does not have a personal income tax at this time



# ACKNOWLEDGEMENTS

The Intrepid Fallen Heroes Fund and Davis Polk & Wardwell would like to acknowledge the contributions of the following people and organizations:

## **Intrepid Fallen Heroes Fund Honorary Co-Chairs:**

- Mrs. Deon Ford,  
surviving spouse of Capt. Travis A. Ford, USMC
- Mrs. Chelle Pokorney,  
surviving spouse of Lt. Frederick Pokorney, USMC
- Mrs. Stacey Sammis,  
surviving spouse of Capt. Benjamin Sammis, USMC
- Mrs. Theresa Seifert,  
surviving spouse of Capt. Christopher Seifert, USA

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# QUICK REFERENCE GUIDE

## INTREPID FALLEN HEROES FUND

**Phone:** (800) 340-HERO (4376)  
**Email:** info@fallenheroesfund.org  
**Website:** www.fallenheroesfund.org

## CASUALTY ASSISTANCE OFFICER (“CAO”)

*US Army:* (703) 325-7990  
*US Marine Corps:* (703) 784-9513  
*US Navy:* (703) 614-7613  
*US Air Force:* (800) 433-0048  
*US Coast Guard:* (202) 267-1648

## U.S. DEPARTMENT OF VETERANS AFFAIRS (“VA”)

### General Information

**Phone:** (800) 827-1000  
**Website:** www.va.gov

### To Obtain VA Forms

**Phone:** (800) 733-8387  
**Website:** www.va.gov/vaforms

### Home Loan Program

**Phone:** (800) 827-1000  
**Website:** www.homeloans.va.gov

## LIST OF EACH STATE’S DEPARTMENT OF VETERANS AFFAIRS

**Website:** www.nasdva.com

## VA NATIONAL CEMETERY ADMINISTRATION

**Phone:** (800) 827-1000  
**Website:** www.cem.va.gov

## SERVICEMEMBERS’ GROUP LIFE INSURANCE (“SGLI”)

**Phone:** (800) 419-1473  
**Website:** www.insurance.va.gov/SgliSite/default.htm

## SOCIAL SECURITY ADMINISTRATION (“SSA”)

**Phone:** (800) 772-1213  
**Expedited Claims:** (866) 777-7887  
**Website:** www.ssa.gov

## EDUCATION BENEFITS

### Dependent’s Educational Assistance Program (“DEA”)

**Phone:** (888) 442-4551  
**Other contacts:** Financial Aid Office of the school

### Current Benefit Rates

**Website:** www.gibill.va.gov/education/rates.htm

## SURVIVOR BENEFIT PLAN (“SBP”)

### General Information

**Phone:** (800) 321-1080  
**Website:** www.dfas.mil

### U.S. Coast Guard Human Resources Service

**and Information Center**  
**Phone:** (800) 772-8724  
**Website:** www.uscg.mil/hq/psc

## THRIFT SAVINGS PLAN (“TSP”)

**Phone:** (877) 968-3778  
**Website:** www.tsp.gov

## HEALTH CARE COVERAGE – TRICARE

### To Find the Nearest Uniformed Service Identification Card Facility

**Website:** www.dmdc.osd.mil/rsl (search by zip code)

### To Update Address and Contact Information for DEERS

**Phone:** (800) 538-9552

**Website:** www.tricare.osd.mil/DEERSAddress

### To Submit TRICARE Enrollment Forms

**Website:** www.tricare.osd.mil/enrollment/index.cfm

### To Compare TRICARE Plans

**Website:** www.tricare.osd.mil/TRICAREcomparisons/admin/index.cfm

## DENTAL CARE COVERAGE – TRICARE DENTAL

### TRICARE Dental Program (“TDP”)

**Phone:** (888) 622-2256  
**Website:** www.ucci.com

### Enhanced TRICARE Retiree Dental Program (“ETRDP”)

**Phone:** (888) 838-8737  
**Website:** www.trdp.org

## CHAMPVA

**Phone:** (800) 733-8387  
**Website:** www.va.gov/hac/forbeneficiaries/champva/champva.asp

## MEDICARE

**Website:** www.medicare.gov

## INTERNAL REVENUE SERVICE (“IRS”)

### General Questions

**Phone:** (800) 829-1040  
**Website:** www.irs.gov

### Taxpayer Advocate

**Phone:** (877) 777-4778  
**Website:** www.irs.gov/advocate

## LEGAL ASSISTANCE

### To Locate the Nearest Military Legal Assistance Office

**Website:** assistance.law.af.mil (note: “www” must be omitted)

### To Find Military Legal Assistance for Each Branch of the Military

**Army:** www.jagcnet.army.mil/Legal  
**Air Force:** arpc.afrc.af.mil/ja/legasst.htm  
**Navy:** www.jag.navy.mil/html/OJAGLegal%20AssistHome.htm  
**Marine Corp:** sjahqmc.usmc.mil/jal/default.htm  
**Coast Guard:** www.uscg.mil/legal/la

### Referral Services and Free Legal Assistance

#### American Bar Association:

www.abanet.org/legalservices/findlegalhelp/home.shtml

### Legal Services Corporation (Assistance for Low-Income Families)

**Phone:** (202) 295-1500  
**Website:** www.lsc.gov

The Intrepid Fallen Heroes Fund provides support to the men and women of the Armed Forces and their families. The Intrepid Fallen Heroes Fund continues an effort begun in 1982 by two of our nation's greatest supporters of the military, Zachary and Elizabeth Fisher. Zachary and Elizabeth provided unrestricted cash grants to the families of hundreds of military personnel lost in performance of their duty. Following Zachary's passing in 1999, the Fisher family continued this effort, providing personal contributions for its support. Following September 11 and the onset of military operations in Afghanistan, the Fishers determined that all Americans should join in this effort to support the families of our Armed Forces.

Since 2001 the Fund, under the leadership of its Chairman, Richard T. Santulli, has provided more than \$14 million to the spouses, dependent children and parents of military personnel lost in Afghanistan and Iraq. The gifts are intended to help families with any immediate or long-term financial difficulties they may face. They are also intended to show them that our nation will never forget them in their time of need. The Fund does not consider this to be charity; it is the duty of all Americans to support our nation's Armed Forces and their families.

In spring 2005, legislation was introduced in Congress that would significantly increase the financial support provided by the government to the families of military personnel lost in Iraq and Afghanistan. If this bill becomes law, as is anticipated by late spring or early summer 2005, the Intrepid Fallen Heroes Fund will redirect its support to servicemen and women who have been catastrophically disabled in service in Iraq or Afghanistan.

For more information about  
the Intrepid Fallen Heroes Fund, please visit  
**[www.fallenheroesfund.org](http://www.fallenheroesfund.org)**  
or call  
**(800) 340-HERO**

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