

MANUAL: Personnel  
Chapter Series CC--Commissioned Corps Personnel Manual  
Part 2--Commissioned Corps Personnel Administration

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Public Health Service

Chapter CC22--Pay and Allowance Administration  
Subchapter CC22.5--Miscellaneous Pay Provisions  
Personnel INSTRUCTION 2--Death Gratuity

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Section A. Purpose and Scope

1. This INSTRUCTION sets forth the provisions of the death gratuity payable by the Public Health Service (PHS) to certain survivors of PHS Commissioned Corps officers who die while on active duty or who die because of service-connected disease or injury within 120 days after separation from active duty.
2. For additional information on death benefits, see Commissioned Corps Personnel Manual (CCPM) Pamphlet No. 63, "Survivor Benefits Guide."

Section B. Authorities

1. 10 U.S.C. 1475-1488 and 42 U.S.C. 213a(a)(6) are the statutory authorities for payment of a death gratuity.
2. The authority to administer the PHS Commissioned Corps is prescribed in 42 U.S.C. 216. This authority has been delegated by the Assistant Secretary for Health to the Surgeon General as part of the general authority to

administer the PHS Commissioned Corps and is published at 53 Federal Register 5046-5047, February 19, 1988. The Surgeon General has delegated the authority for daily administration of the PHS Commissioned Corps to the Director, Division of Commissioned Personnel (DCP), Office of the Surgeon General.

Section C. General

1. A death gratuity is payable by PHS in an amount of \$6,000 to survivors of PHS Commissioned Corps officers who die:
  - a. While on active duty, or while traveling to or from such duty; or
  - b. During the 120 day period beginning on the day following termination or release from active duty, including retirement for either disability or length of service, upon determination of the Department of Veterans Affairs that death resulted from disease or injury incurred or aggravated while the officer was on active duty or while in authorized travel status to or from such duty.
2. Payment of the death gratuity is made automatically by the Compensation Branch, DCP, to the next of kin.
3. The death gratuity is payable in addition to any other death or survivor benefits, or combinations thereof, currently authorized by law. However, no payment will be made to the estate of any person who has no survivors as listed in Section D., below.

Section D. Eligible Beneficiaries

1. Survivors of an officer who dies under the provisions cited in Section C., above, are eligible for a death benefit gratuity in the following order of precedence:
  - a. Surviving spouse;
  - b. His/her children as prescribed in 2., below, in equal shares;
  - c. If designated by the decedent:
    - (1) His/her parents in loco parentis in equal shares, except as prescribed in Section E., below;
    - (2) His/her brothers and sisters (including brothers and sisters of the half blood and those through adoption) in equal shares, except as prescribed in Section E., below.

2. Children, as defined below, applies without regard to age or marital status, to:
  - a. Legitimate children;
  - b. Adopted children;
  - c. Step children who were a part of the decedent's household at the time of his/her death;
  - d. Illegitimate children of a female decedent; and
  - e. Illegitimate children of a male decedent:
    - (1) Who have been acknowledged in writing signed by the decedent;
    - (2) Who have been judicially determined before the decedent's death to be his children;
    - (3) Who have been otherwise proved by evidence satisfactory to the Administrator of Veterans Affairs to be children of the decedent; or
    - (4) To whose support the decedent had been judicially ordered to contribute.

Section E. Designation of Beneficiaries

1. A surviving spouse or children will receive the death gratuity of a deceased officer in the order prescribed in Section D., above, regardless of whether the officer has designated other beneficiaries. The rights of these survivors to the death gratuity cannot be affected by designation of a beneficiary (10 U.S.C. 1477(a)). However, an unmarried officer with no children may designate that brothers and sisters, either individually or in combination, take precedence over parents in being eligible for a death gratuity. He/she may also designate one parent over another parent.
2. If the officer is satisfied with the order of precedence shown in Section D., above, a designation of beneficiaries will not be necessary as the death gratuity will be paid to survivors of the decedent in that order.