

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Public Health Service

Chapter CC29--Officers' Relations, Services, and Benefits
Subchapter CC29.5--Death Benefits
Personnel INSTRUCTION 6--Department of Veterans Affairs Dependency and
Indemnity Compensation (DIC)

CONTENTS

<u>Section</u>	<u>Subject</u>	<u>Page</u>
A.	Purpose and Scope.....	1
B.	Authority.....	1
C.	General.....	1
D.	Eligible Survivors.....	2
E.	Effects of Other Death Benefits on Eligibility.....	5
F.	Privacy Act Provisions.....	5
Exhibit I	Current Rates of Compensation.....	6

Section A. Purpose and Scope

This INSTRUCTION provides information on compensation payable by the Department of Veterans Affairs (VA) to survivors of an active duty, retired, inactive reserve corps, or former (terminated) officer whose death is determined to be the result of active, service-connected disease or injury. This type of compensation is called Dependency and Indemnity Compensation (DIC).

Section B. Authority

The authority for payment of DIC is 38 U.S.C. 1301-1323. DIC may be paid to the eligible survivors of PHS commissioned officers under the authority of 42 U.S.C. 213(d).

Section C. General

1. DIC is a death benefit payable by VA to the classes of survivors identified in Section D., below, of a deceased PHS commissioned officer if VA finds the death of the officer is "service-connected."

2. The term "service-connected" is usually defined as follows:

a. Officers Serving On Active Duty

(1) Death under the following circumstances may result in a determination that death was service-connected:

- (a) from most causes, natural or otherwise;
- (b) from disease or injury incurred in line of duty while on active duty or active duty training;
- (c) from injury incurred or aggravated in line of duty while on inactive duty training; or
- (d) from a disability compensable under laws administered by VA.

(2) Death under the following circumstances may result in a determination that the cause of death was not service-connected:

- (1) as a result of one's own willful misconduct;
- (2) while absent without authorized leave; or
- (3) as a result of a pre-existing disease or injury which was not aggravated by the period of service.

b. Former (Terminated) Officers, Retired, and Inactive Reserve Corps Officers. In order for a death to be considered "service-connected" there must be a direct relationship between the cause of death and a disease or injury incurred while in, or aggravated by, a period of active service.

3. The determination of whether a death is the result of a service-connected disease or injury is made solely by VA.

4. Payments will begin the first day of the month following the month in which VA awards DIC to the eligible survivor. Monthly payments will continue as long as the beneficiary remains eligible (see Section D., below.)

Section D. Eligible Survivors

1. Surviving Spouses

a. Eligibility. DIC may be paid to a surviving spouse if the surviving spouse was married to the deceased officer:

- (1) for any length of time before the expiration of 15 years after the termination of the period of service in which the injury or disease causing the death was incurred or aggravated;
- (2) for one year or more; or
- (3) for any period of time, if a child was born of the marriage or was born to them before the marriage.

b. Types and Rates of Compensation for Surviving Spouse

- (1) DIC shall be paid to a surviving spouse at the rate of \$769 per month. The monthly rate is increased by \$169 in the case of the death of a retiree who, at the time of death, was receiving or entitled to receive compensation for a service-connected disability that was totally disabling for a period of at least 8 years immediately preceding death. The widow(er) must have been married to the retiree for those eight years.
- (2) If there is a surviving spouse of a deceased officer with one or more children below the age of 18, the DIC paid monthly to the surviving spouse shall be increased \$100 for each child, beginning on January 1, 1993, to \$150 a month during FY 1994, and \$200 a month thereafter.
- (3) The monthly rate of DIC payable to a surviving spouse shall be increased by the amount shown in paragraph B.1., of Exhibit I if the spouse is:
 - (a) a patient in a nursing home; or
 - (b) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person; or
 - (c) surviving spouse is housebound.
- (4) The base DIC rates for the spouse and children of retirees who died prior to January 1, 1993, can be found in paragraphs A.1. and A.2., of Exhibit I.

c. Termination of Spouse's Eligibility. If the surviving spouse remarries after the award of DIC, the spouse is no longer eligible for DIC. If the spouse once again becomes single, he/she regains eligibility for DIC and may reapply for payment from VA.

2. Children

a. Eligibility. The term "child" means a person who is unmarried and:

- (1) is under the age of 18 years;
 - (2) who, before attaining the age of 18 years, becomes permanently incapable of self-support; or
 - (3) who, after attaining the age of 18 years and until completion of education or training (but not after attaining the age of 23 years) is pursuing a course of instruction at an approved educational institution. The complete definition of child is set forth in 38 U.S.C. 101.
- b. Compensation For Children. When there is no surviving spouse of a deceased veteran entitled to DIC, DIC shall be paid in equal shares to the eligible children of the deceased officer at the rates indicated in paragraph B.2., of Exhibit I.
- c. Supplemental Compensation to Children
- (1) If there is no DIC payable to a person as a spouse, but there is a child entitled to DIC who has attained the age of 18 and who, while under such age, became permanently incapable of selfsupport, the DIC paid monthly to such child shall be increased by the amount listed in paragraph B.3., of Exhibit I.
 - (2) If DIC is payable monthly to a person as a surviving spouse and there is a child (of such person's deceased spouse) who has attained the age of 18 and who, while under such age, became permanently incapable of self-support, DIC shall be paid monthly to each such child in the amount shown in paragraph B.4., of Exhibit I, concurrently with the payment of DIC to the surviving spouse.
 - (3) If DIC is payable monthly to a person as a surviving spouse and there is a child (of such person's deceased spouse) who has attained the age of 18 and who, while under the age of 23, is pursuing a course of instruction at a VA approved educational institution, DIC shall be paid monthly to each such child in the amount shown in paragraph B.5., of Exhibit I, concurrently with the payment of DIC to the surviving spouse.

3. Parents

- a. Eligibility. In addition to DIC payable to surviving spouses and/or children, under certain conditions, the law also provides for DIC for dependent parents of the deceased officer. Compensation rates, shown in 38 U.S.C. 1315, have been established for parents in different eligibility categories, such as:
- (1) one parent;

- (2) one parent, remarried;
- (3) two parents, living apart; or
- (4) two parents, living together or remarried.

b. Compensation for Parents

- (1) The rate of DIC payable to a parent or parents is based upon the amount of their annual income. In no case may the amount of DIC payable to any eligible parent be less than \$5 monthly.
- (2) Income limits for dependent parents are specified by VA.

Section E. Effects of Other Death Benefits on Eligibility

1. Survivor Benefit Plan Annuity. The Survivor Benefit Plan (SBP) annuity paid to a surviving spouse by PHS will be reduced by the amount of DIC paid to the spouse by VA. However, PHS will return to the survivor, all contributions made by the deceased officer toward that portion of the SBP annuity no longer payable. See INSTRUCTION 5, Subchapter CC29.5, "Survivor Benefit Plan."
2. The following monetary benefits are payable in addition to DIC, provided the survivors are otherwise eligible:
 - a. Social Security Old-Age and Survivors Insurance Benefits;
 - b. PHS death gratuity;
 - c. PHS burial allowance;
 - d. VA burial allowance;
 - e. VA Survivors' and Dependents' Educational Assistance;
 - f. National Service Life or U.S. Government Life Insurance Policy; or
 - g. Servicemens Group Life Insurance

Section F. Privacy Act Provisions

Personnel records are subject to the provisions of the Privacy Act of 1974. The applicable systems of records are 09-37-0002, "PHS Commissioned Corps General Personnel Records," HHS/OASH/OSG and 09-37-0003, "PHS Commissioned Corps Medical Records," HHS/OASH/OSG.

EXHIBIT I*

CURRENT RATES OF COMPENSATION

- A. Effective December 1, 1992, as enacted by P. L. 102-568, the following are the monthly rates of DIC payable to eligible survivors of veterans who died prior to January 1, 1993:

1. Rates payable to surviving spouses:

<u>Pay Grade</u>	<u>Monthly DIC Rates</u>
O-1	\$ 812
O-2	838
O-3	897
O-4	948
O-5	1,044
O-6	1,177
O-7	1,271
O-8	1,392
O-9	1,492
O-10	1,636

2. The above rates are increased by \$74 for each child as defined in Section D.2.

- B. Effective January 1, 1993, as enacted by P. L. 102-568, the monthly rate of DIC payable to eligible survivors of veterans who died subsequent to January 1, 1993, is \$769.

1. The above rate is increased by \$195 if the spouse meets conditions described in Section D.1.b.(3)(a) or (b) or an additional \$95 if the spouse meets conditions described in Section D.1.b.(3)(c).
2. Rates payable to children of deceased officers when there is no surviving spouse, as defined in Section D.2.b:

One Child	\$327
Two Children	471
Three Children	610
Each additional child	120

3. Rate payable to a child permanently incapable of self-support when there is no DIC payable to a surviving spouse, as defined in Section D.2.c.(1): \$195.
4. Rate payable to a child permanently incapable of self-support when there is a surviving spouse, as defined in Section D.2.c.(2): \$327.
5. Rate payable to a child between 18 and 23 years of age and enrolled in a VA approved educational institution, as defined in Section D.2.c.(3): \$166.

* The rate of DIC to eligible survivors may be increased annually.
Survivors are urged to check with VA.