

VETERAN DEATH BENEFITS

U.S. Department of Veterans Affairs provides. . .



Burial Flag: VA can provide an American flag to drape an eligible veteran's casket. Funeral directors generally apply for this. **Only one allowed per veteran.**

Presidential Memorial Certificate (PMC): A Presidential Memorial Certificate is an engraved paper certificate, signed by the current President, to honor the memory of honorably discharged deceased veterans. Use VA Form 40-0247 to apply. **There is no limit on the number of certificates. There is no time limit to apply.**



Headstones and Markers: VA can furnish a monument to mark the grave of an eligible veteran. A Veteran who did not receive a dishonorable discharge or a service member who died while on active duty may be eligible for a headstone or marker if they meet certain requirements. Use VA Form 40-1330. **There is no time limit to apply.**

Headstone:



Marker:



Medallion: This device is furnished in lieu of a traditional Government headstone or grave marker for those Veterans who served on or after April 6, 1917, and whose grave in a private cemetery is marked with a privately purchased headstone or marker. The medallion is placed on the private headstone or marker. Use VA Form 40-1330M to apply. **There is no time limit to apply.**

Sample medallion:



Reimbursement of burial expenses: Generally, VA can pay a burial allowance of \$2,000 for veterans who die of service related causes. Use VA Form 21P-530 to apply. **There is no time limit to apply.**

For certain other veterans, VA can pay \$300 for burial and funeral expenses and \$807* for a burial plot. (Higher rate if death while at VA expense.) All veterans are not entitled to burial expenses. Use 21P-530 to apply. There is a **time limit of 2 years** from burial to claim.

**Rates subject to increase*

Transportation expenses: Additional benefits may be payable for the cost of transportation of the veteran from the place of death to the place of burial when the death occurs at a facility while under VA expense or burial is in a VA national cemetery.

Burial in a VA National Cemetery: Most veterans and some dependents can be buried in a VA national cemetery. Contact the National Cemetery Scheduling Office at 800-535-1117. It is open every day from 8:00 a.m. to 7:30 p.m. ET but is closed Thanksgiving Day, Christmas Day and New Year's Day. The National Cemetery Scheduling Office can tell you the available burial times for each cemetery.

Military Funeral Honors: Honoring Those Who Served is a commitment to recognize the sacrifice and contributions of our nation's veterans. The rendering of military funeral honors is one of the ways to show the nation's deep gratitude to those who, in times of war and peace, have faithfully defended our country. The ceremonial playing of Taps, the folding of the American flag and presenting it to the next-of-kin are the final demonstrations that a grateful nation can provide to veterans' families.



Requesting Military Funeral Honors: Funeral directors generally will assist. The Department of Defense is responsible for providing. More information at www.dmdc.osd.mil/mfh/.

**Information/rates effective 12-1-20*

DEPENDENCY AND INDEMNITY COMPENSATION RATES

Effective 12-1-20

Surviving spouse rates if the Veteran died on or after January 1, 1993

Monthly payment rate is: \$1,357.56

Added amounts for surviving spouses

If this description is true...	Surviving spouse may qualify for this benefit	Added monthly amount
<ul style="list-style-type: none"> The veteran had a VA disability rating of totally disabling (including for individual unemployability) for at least the last 8 full years leading up to the veteran's death, and The surviving spouse was married to the veteran for those same 8 years 	8-year provision	\$288.27
Surviving spouse cannot leave the house due to a disability	Housebound allowance	\$157.55
Surviving spouse has a disability and needs help with regular daily activities (like eating, bathing, or dressing)	Aid and attendance	\$336.32
Surviving spouse has 1 or more children	<ul style="list-style-type: none"> Transitional benefit, and DIC apportionment rate 	<ul style="list-style-type: none"> \$289.00 for the first 2 years after veteran's death \$336.32 for each eligible child

Surviving spouse rates if the Veteran died before January 1, 1993

The method to determine the DIC monthly payment for a spouse or child of a Veteran who died before January 1, 1993, is contingent on the pay grade of the veteran. Refer to the rate charts for the appropriate rates. Additional amounts may be payable under the 8-year provision, whether the surviving spouse has disabilities meeting criteria for housebound or aid and attendance, and if there are qualifying dependent children. The last year for dependent children to meet the under 18 criteria for these surviving spouses is 2021.

DIC rates for the surviving child of a Veteran

Surviving dependent child of a Veteran, when the Veteran has no surviving spouse - monthly payment rate is: \$573.20

Surviving, unmarried adult child of a Veteran, when the Veteran's surviving spouse is also eligible for DIC

The monthly payment to the child separately as the adult surviving child, in addition to the eligible surviving spouse's compensation.

If the child is a....	Monthly payment amount is
Child between ages 18 and 23 who is in a qualified school program	\$284.93
Helpless child over age 18 (An adult child who became permanently unable to support him/herself before age 18)	\$573.20

Surviving eligible child of a Veteran, when the Veteran does not have a surviving spouse who is eligible for DIC

Payment amount on the number of the Veteran's eligible surviving children.

Number of veteran's eligible children	Monthly rate for each child	Total monthly payment
1	\$573.20	\$573.20
2	\$412.30	\$824.59
3	\$358.67	\$1,076.01
4	\$320.12	\$1,280.49
5	\$296.99	\$1,484.97
6	\$281.58	\$1,689.45
7	\$270.56	\$1,893.93
8	\$262.30	\$2,098.41
9	\$255.88	\$2,302.89

Added amounts

- For each additional eligible child in a family of 10 or more children, add \$204.48.
- For each helpless child over age 18, add \$336.32 to the monthly rate above.

SURVIVOR PENSION BENEFIT RATES Effective 12-1-20

From December 1, 2020, to November 30, 2021, the net worth limit to be eligible for Survivors Pension benefits is **\$130,773**. If the claimant meets the bright line limit, the maximum annual pension rate (MAPR) is affected by other factors.

For qualified surviving spouses with at least 1 dependent:

If there is one dependent child and ...	The MAPR amount is:
Surviving spouse does not qualify for housebound or aid and attendance benefits	\$12,229
Surviving spouse does qualify for housebound benefits	\$14,300
Surviving spouse does qualify for aid and attendance benefits	\$17,815
Surviving spouse does qualify for aid and attendance benefits and is the surviving spouse of a veteran who served in the Spanish-American War	\$18,355

Notes:

- If there is more than 1 child, add \$2,382 to the MAPR amount for each additional child.
- If there is a child who works, exclude the child's wages up to \$12,550.
- If the surviving spouse has medical expenses, deduct only the amount that's above 5% of the basic MAPR amount (\$611 for a surviving spouse with 1 dependent).

For qualified surviving spouses with no dependent:

If the surviving spouse has no dependent and ...	The MAPR amount is:
Surviving spouse does not qualify for housebound or aid and attendance benefits	\$9,344
Surviving spouse does qualify for housebound benefits	\$11,420
Surviving spouse does qualify for aid and attendance benefits	\$14,934
Surviving spouse does qualify for aid and attendance benefits and is the surviving spouse of a veteran who served in the Spanish-American War	\$15,539

Notes:

- The Survivor Benefit Plan (SBP)/Minimum Income Annuity (MIW) limitation is \$9,344.
- If the surviving spouse has medical expenses, deduct only the amount that's above 5% of the basic MAPR amount (\$467 for a surviving spouse with no dependent child).

For qualified surviving children:

If the child is ...	The MAPR amount is:
A qualified surviving child	\$2,382

DEDUCTIBLE MEDICAL EXPENSE EXAMPLES

Unreimbursed medical expenses paid by a beneficiary (or by a veteran's spouse for veteran awards) may be used to reduce the beneficiary's countable income. The lists below show many of the common allowable medical expenses.

- Abdominal supports
- Acupuncture service
- Ambulance hire
- Anesthetist
- Arch supports
- Artificial limbs and teeth
- Back supports
- Braces
- Cardiographs
- Chiroprapist
- Chiropractor
- Convalescent home (for medical treatment only)
- Crutches
- Dental service, for example, cleaning, x- ray, filling teeth
- Dentures
- Dermatologist
- Drugs, prescription and nonprescription
- Gynecologist
- Hearing aids and batteries
- Home health services
- Hospital expenses
- Insulin treatment
- Insurance premiums, for medical insurance only
- Invalid chair
- Lab tests
- Lip reading lessons designed to overcome a disability
- Lodging incurred in conjunction with out-of-town travel for treatment (to be determined on a facts-found basis)
- Medicare Part B premiums
- Neurologist
- Nursing services for medical care, including nurse's board paid by claimant
- Occupational therapist
- Ophthalmologist
- Optician
- Optometrist
- Oral surgery
- Osteopath, licensed
- Pediatrician
- Physical examinations
- Physician
- Physical therapy
- Podiatrist
- Psychiatrist
- Psychoanalyst
- Psychologist
- Psychotherapy
- Radium therapy
- Sacroiliac belt
- Seeing-Eye dog and maintenance
- Speech therapist
- Splints
- Surgeon
- Telephone/teletype special communications equipment for the deaf
- Transportation expenses for medical purposes (check with VA for current mileage rate, plus parking and tolls or actual fares for taxi, buses)
- Vaccines
- Wheelchairs
- Whirlpool baths for medical purposes
- X-rays

Note: This list is not all-inclusive. Expenses that are directly related to medical care can be allowed.

EXERCISES

1. The veteran had honorable service from June 3, 1960 to June 2, 1973. The claimant married the veteran on August 7, 1973 and remained married until the veteran died on June 13, 1974. There were no children born of the marriage. The claimant files for survivors pension on October 28, 2020. Is the claimant entitled?
2. Anne married the veteran on March 14, 1973. Anne left the veteran in 1982 because the veteran abused her. It is determined that Anne was without fault in the separation. The veteran married Matilda on September 29, 1983. His marriage to Anne was never dissolved. The veteran died on June 3, 2020. Both Anne and Matilda file claims for Survivors Pension as the surviving spouse of the veteran. Who is entitled to benefits as the surviving spouse?
3. Anne married the veteran on March 14, 1973. The veteran left Anne in 1982 because she abused the veteran. It is determined that Anne was at fault in the separation. The veteran married Matilda on September 29, 1983. His marriage to Anne was never dissolved. The veteran died on June 3, 2020. Both Anne and Matilda file claims for survivors pension as the surviving spouse of the veteran.
4. The veteran had 24 continuous months of active duty which ended on August 3, 1990. Does the veteran's service qualify for pension?
5. The veteran had 24 continuous months of active duty between 1985 and 1987. The veteran then had a later, separate period of service from August 1, 1990 to January 1, 1991. However, the DD214 for the second period of service shows the veteran did not complete the full period that he was ordered to serve and discharge reason is clerical error. Does the veteran's service qualify for pension?
6. The veteran had fewer than 90 days of active duty served during the Gulf War period; however, the DD214 shows the veteran served the full period that she was ordered to serve. She has no service connected disabilities. Does the veteran's service qualify for pension?
7. The veteran has a service connected disability rated 10 percent disabling and is receiving compensation. He now applies for pension. The veteran served 100 days during the Gulf War period; however, due to a clerical error, the veteran did not complete the full period that he was ordered to serve. He was not released from service because of his service connected disability. Does the veteran's service qualify for pension?
8. A surviving spouse claims a deduction for payment of just debts of the veteran. Development reveals that the spouse has been making payments on a car note. The veteran and surviving spouse were joint obligors on the note. Can the payments be used as just debts?
9. The surviving spouse claims a deduction for payment of just debts of the veteran. The surviving spouse reports having paid for a vacation taken prior to the veteran's death. The veteran and surviving spouse were joint obligors on the debt. Can the payments be used as just debts?

PETERS HANDOUT 3 EXERCISES

10. The veteran died 4-19-21. At the time of death, he was not receiving VA benefits. A claim for survivors pension was received 8-2-21. The surviving spouse reported income of \$2,000 in retroactive private pension received on 6-29-21 and has no other income. She claims she paid \$1,000 in burial expenses on 7-14-21 without any VA reimbursement. Is she entitled to deduct the burial expenses paid?

11. The veteran's spouse paid \$2,000 in expenses of the veteran's last illness and prepaid his burial in January through March of 2021. The veteran died April 19, 2021. He was not in receipt of VA benefits at the time of death. The claimant filed for surviving spouse pension on September 14, 2021 and reports her only income totals \$4,000 from Social Security. Can the expenses paid be deducted as last expenses?

12. The surviving spouse made a claim for death pension on 11-3-20 following the veteran's death on 10-14-20. She submitted evidence that the veteran's burial expenses were paid in advance by regular payments over a period of time from January 2009 through May 2020 from a joint checking account of the veteran and surviving spouse. Can any of the payments for the burial expenses be used to reduce her countable income?

13. Surviving spouse of veteran who served 10-24-46 to 10-23-49 is receiving DIC benefits under 38 USC 1318. She is admitted to a nursing home on March 3, 2021 and will become eligible for Medicaid in December 2021. What should you do?

14. Same as number 17 except that the veteran's military service dates were 6-24-47 to 6-23-50. What would you do and why?

15. Surviving spouse on DIC under 38 USC 1318 enters the nursing home and becomes eligible for Medicaid. She remarried at age 65 and is still married. Would she be eligible to elect death pension benefits in order to get the \$90 monthly Medicaid rate?

What if she were no longer married?

EXERCISES

1. The veteran had honorable service from June 3, 1960 to June 2, 1973. The claimant married the veteran on August 7, 1973 and remained married until the veteran died on June 13, 1974. There were no children born of the marriage. The claimant files for survivors pension on October 28, 2020. Is the claimant entitled?

ANSWER:

Since the clamant and the veteran were not married for one year and they had no children, the claimant would not be eligible if not for the fact that the marriage occurred before May 8, 1985, the delimiting date for Vietnam Era veterans.

2. Anne married the veteran on March 14, 1973. Anne left the veteran in 1982 because the veteran abused her. It is determined that Ann was without fault in the separation. The veteran married Matilda on September 29, 1983. His marriage to Anne was never dissolved. The veteran died on June 3, 2020. Both Anne and Matilda file claims for Survivors Pension as the surviving spouse of the veteran. Who is entitled to benefits as the surviving spouse?

ANSWER:

If Anne is otherwise eligible for pension, Matilda's marriage to the veteran cannot be deemed valid, even though Matilda married the veteran believing he was free to marry. There is no bar to payment to the legal surviving spouse. Since she was without fault in the separation, the continuous cohabitation requirement is met so the subsequent marriage cannot be deemed valid.

3. Anne married the veteran on March 14, 1973. The veteran left Anne in 1982 because she abused the veteran. It is determined that Anne was at fault in the separation. The veteran married Matilda on September 29, 1983. His marriage to Anne was never dissolved. The veteran died on June 3, 2020. Both Anne and Matilda file claims for survivors pension as the surviving spouse of the veteran.

ANSWER:

Matilda's marriage to the veteran may be deemed valid for VA purposes even though Anne is still the veteran's legal surviving spouse. Anne was materially at fault in the separation from the veteran and cannot establish continuous cohabitation. Therefore, she is not entitled to benefits as the surviving spouse and Matilda's marriage to the veteran may be deemed valid.

4. The veteran had 24 continuous months of active duty which ended on August 3, 1990. Does the veteran's service qualify for pension?

ANSWER:

Yes. The veteran served 24 continuous months of active duty that ended during a wartime period; therefore, the minimum active duty service requirement is met. The wartime service requirement is also met because the veteran served at least 90 consecutive days that ended during a wartime period.

5. The veteran had 24 continuous months of active duty between 1985 and 1987. The veteran then had a later, separate period of service from August 1, 1990 to January 1, 1991. However, the DD214 for the second period of service shows the veteran did not complete the full period that he was ordered to serve and discharge reason is clerical error. Does the veteran's service qualify for pension?

ANSWER:

No. Although the veteran served 24 continuous months of active duty from 1985-1987, it was during peacetime and does not qualify for pension. The veteran's second, five-month period of service was within a wartime period and meets the wartime service requirement, but does not meet the minimum active duty service requirement.

6. The veteran had fewer than 90 days of active duty served during the Gulf War period; however, the DD214 shows the veteran served the full period that she was ordered to serve. She has no service connected disabilities. Does the veteran's service qualify for pension?

ANSWER:

No. Although the veteran's service meets the minimum active duty service requirement (because she served the full period she was ordered to serve), the service does not meet the pension wartime service requirement because she served fewer than 90 days during the wartime period.

7. The veteran has a service connected disability rated 10 percent disabling and is receiving compensation. He now applies for pension. The veteran served 100 days during the Gulf War period; however, due to a clerical error, the veteran did not complete the full period that he was ordered to serve. He was not released from service because of his service connected disability. Does the veteran's service qualify for pension?

ANSWER:

Yes. The veteran meets the 90 day wartime service requirement for pension. Although he does not meet the minimum active duty service requirement, he does not need to. Under 38 CFR 3.12a(d)(3), veterans with a compensable service connected disability are exempt from the requirement. If he did not have a compensable service connected disability, he would not be eligible for pension.

8. A surviving spouse claims a deduction for payment of just debts of the veteran. Development reveals that the spouse has been making payments on a car note. The veteran and surviving spouse were joint obligors on the note. Can the payments be used as just debts?

ANSWER:

The amount of money owed on the car is not deductible as a just debt because the debt (loan) is secured by personal property (the car). Real property is real estate. Personal property is just about anything else. SECURED DEBT

9. The surviving spouse claims a deduction for payment of just debts of the veteran. The surviving spouse reports having paid for a vacation taken prior to the veteran's death. The veteran and surviving spouse were joint obligors on the debt. Can the payments be used as just debts?

ANSWER:

Since the obligation was not incurred for the purchase of real or personal property, the amounts paid by the surviving spouse to liquidate the debt are deductible. UNSECURED DEBT

10. The veteran died 4-19-21. At the time of death, he was not receiving VA benefits. A claim for survivors pension was received 8-2-21. The surviving spouse reported income of \$2,000 in retroactive private pension received on 6-29-21 and has no other income. She claims she paid \$1,000 in burial expenses on 7-14-21 without any VA reimbursement. Is she entitled to deduct the burial expenses paid?

ANSWER:

Since the final expenses were paid during calendar year of death, the initial period begins during that calendar year. Final expenses deductible for initial period of entitlement (5-1-21 to 5-1-22)

11. The veteran's spouse paid \$2,000 in expenses of the veteran's last illness and prepaid his burial in January through March of 2021. The veteran died April 19, 2021. He was not in receipt of VA benefits at the time of death. The claimant filed for surviving spouse pension on September 14, 2021 and reports her only income totals \$4,000 from Social Security. Can the expenses paid be deducted as last expenses?

ANSWER

Since the expenses were paid by the veteran's spouse before the veteran died, VA can deduct them for the initial period of entitlement, April 19, 2021 through April 30, 2022.

12. The surviving spouse made a claim for death pension on 11-3-20 following the veteran's death on 10-14-20. She submitted evidence that the veteran's burial expenses were paid in advance by regular payments over a period of time from January 2009 through May 2020 from a joint checking account of the veteran and surviving spouse. Can any of the payments for the burial expenses be used to reduce her countable income?

ANSWER:

The entire amount paid may be deducted from the surviving spouse's income for VA purposes for initial annualization period.

13. Surviving spouse of veteran who served 10-24-46 to 10-23-49 is receiving DIC benefits under 38 USC 1318. She is admitted to a nursing home on March 3, 2021 and will become eligible for Medicaid in December 2021. What should you do?

ANSWER:

First, need to apply for aid and attendance benefits. Determine how much the Medicaid allowance will be. If the Medicaid allowance is below \$90 per month, discuss with the survivor about the potential of electing death benefits in lieu of DIC if circumstances show the surviving spouse would qualify.

14. Same as number 17 except that the veteran's military service dates were 6-24-47 to 6-23-50. What would you do and why?

ANSWER:

Apply for aid and attendance benefits. Military service was only peacetime and therefore surviving spouse would not qualify for pension benefits. No further action would be warranted.

15. Surviving spouse on DIC under 38 USC 1318 enters the nursing home and becomes eligible for Medicaid. She remarried at age 65 and is still married. Would she be eligible to elect death pension benefits in order to get the \$90 monthly Medicaid rate?

What if she were no longer married?

ANSWER:

It is immaterial if she were otherwise eligible since she remarried and is not a widow for pension purposes. Eligibility for death pension requires the surviving spouse to be unremarried.

If she were no longer married, she could be entitled to death pension if she was last married to a veteran whose military service met the pension criteria and she was married to that person at the time of death and has not remarried since then.