

FACT SHEET

SUBJECT: Advantages of Imminent Death Processing

1. Purpose: To provide an overview of expeditious process of imminent death cases and the benefits that result when a soldier pending death is expeditiously retired for physical disability.

2. Facts:

a. Expeditious processing of imminent death cases consists of procedures for completing physical disability evaluation and retirement on a 24-hour basis.

b. Imminent death procedures are applied to the cases of active and reserve component soldiers when the medical treatment facility (MTF) determines that the soldier is expected to die within 72 hours from a medical condition incurred or aggravated in the line of duty.

c. No regulatory or statutory requirements are omitted or accomplished after the fact of death. For example, if a line of duty determination is required, retirement is not executed until the required level of determination (informal or formal) is approved and confirms an in-line-of-duty finding IAW AR 600-8-1, Chapter 39 (1986). Retirement must be executed before death as defined by the laws of the state where the soldier is assigned, or if soldier is outside of the Continental United States, as defined under military medical standards.

d. The soldier is placed on the Temporary Disability Retired List (TDRL) to protect the interests of both the soldier and the government should the soldier recover or improve.

e. The MTF Physical Evaluation Board Liaison Officer (PEBLO) and the Installation Retirement Services Officer (RSO) have joint responsibility to counsel the soldier and the soldier's next of kin (encl 2).

(1) The PEBLO is responsible for counseling the soldier and the soldier's NOK on the disability evaluation process, the soldier's rights in the process, the Physical Evaluation Board (PEB) findings, estimated disability compensation and potential Department of Veterans Affairs (DVA) benefits and programs.

(2) The RSO is responsible for counseling the soldier and the soldier's next of kin on retirement and survivor benefits, to include the Survivor Benefit Plan (SBP), and DVA and Social Security entitlements. The RSO must:

(a) Complete the DD Form 2656, Data for Payment of Retired Personnel, which indicates the family's desired SBP election.

(b) Coordinate with HQDA, Army Retirement Services -- the Secretary of the Army designee to make SBP elections on behalf of death imminent soldiers.

f. Due to the variables that affect benefits, primarily under SBP, an exact monetary comparison of benefits between death on active duty and death in retired status cannot be provided. Variables include the age of the spouse, whether there are children, the age(s) of the children and whether any are handicapped, whether a wife is pregnant at the time of the soldier's death, specifics of any divorce settlement regarding former spouse entitlement to SBP, the effect of remarriage(s) on benefit entitlements, and whether a single soldier has a relative that would qualify as an insurable-interest beneficiary.

g. In most cases when death is imminent, retirement for physical disability provides greater benefits than if death occurs on active duty due to the benefits described below (a summary matrix is at encl 1).

(1) Entitlement to the same active duty death benefits.

(a) Soldiers who retire under imminent death procedures are totally disabled. They retain coverage under Servicemembers' Group Life Insurance (SGLI) up to one year or until the disability ceases to be total in degree, whichever occurs first, with no premium cost during this period.

(b) The death gratuity is payable to certain survivors if the death occurs within 120 days following retirement and is related to service connected causes as determined by the Department of Veteran's Affairs (DVA).

(2) Eligibility for DIC and SBP.

(a) Eligible survivors of soldiers who die on active duty are entitled to DVA DIC. They are not entitled to SBP unless the soldier had at least 20 years of active Federal service. In that case the law directs a "spouse only" election for a married soldier or a "child(ren) only" election for an unmarried soldier with child(ren). No other options are available.

(b) Survivors of retired soldiers who die of a service-connected disability may be entitled to DIC. DVA should be consulted to ensure eligibility based on the DVA's marriage requirements and in-line-of-duty considerations.

(c) Soldiers pending disability retirement are eligible to elect SBP and have the election options of spouse only, children only, spouse and children, former spouse only, former spouse and children, insurable interest, and no election.

(d) There is a dollar-for-dollar offset between DIC and SBP for SBP elections of spouse only or spouse and child. However, depending on the retired pay entitlement, SBP may exceed the DIC amount, in which case monies would be payable from both DVA and DoD. DIC has no offset impact on a child's SBP receipt. Thus, the flexibility of options available to the soldier pending retirement allows for weighing long-term versus short-term benefits in light of the number of dependents and their ages.

(e) A single soldier with one or no child(ren) has the election option of “natural person with an insurable interest.” An annuity can be provided to any relative more closely related to the soldier than a cousin or a close business associate with proof of being financially affected by the soldier’s death. This option is not available to single soldiers who are eligible for retirement but die on active duty.

(f) When a soldier pending retirement is mentally incompetent to make an SBP election, the Secretary of the Army makes the appropriate election on behalf of the soldier. This authority has been delegated to Chief, Army Retirement Services, Office of the Deputy Chief of Staff for Personnel. The RSO coordinates the action.

(3) Eligibility for Supplemental SBP (SSBP). SSBP is the supplemental plan which increases basic SBP after-age-62 annuity and may be elected only at retirement. SSBP is not part of the active-duty death survivor package, even when the member has more that 20 years active Federal service. It is not connected to DIC, but is payable at age 62 to a qualified surviving spouse, in addition to any DIC amounts received.

(4) Possibility of greater retired pay and greater SBP/SSBP annuity. Retired pay is computed using a multiplier equating to years of service or the disability rating -- both limited to 75 percent. The disability rating for imminent death retirement is 100 percent. Thus, even a soldier who was eligible to retire for length of service would benefit from death imminent retirement processing because of the higher multiplier used to calculate retirement pay as well as the SBP election flexibility afforded by retirement.

(5) Eligibility for Service Disabled Veterans Life Insurance (SDVI). Only disabled veterans are eligible to apply for this \$10,000 policy.

(a) Totally disabled veterans may apply for waiver of premiums for the basic policy. After six months, totally disabled veterans may apply for an additional policy of up to \$20,000.

(b) If the veteran is mentally competent but physically incapable of signing the application, a statement to that fact will be submitted by his/her doctor or nurse. The statement must confirm that the veteran was totally aware of what was happening and why he/she was unable to sign.

(c) If he/ she is mentally incompetent, only a court appointed guardian is authorized to sign the application. If the mentally incompetent soldier dies before a guardian is appointed, the soldier’s beneficiary may apply for gratuitous SDVI (a lump sum payment approved by the DVA).

h. There are two considerations that may result in retirement posing a hardship.

(1) Civilian life insurance. If the soldier has a civilian policy that provides greater benefits if death occurs on active duty (usually these are policies offered by military-oriented associations), the amount of such a policy should be carefully weighed against the overall entitlement package afforded by retirement.

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(2) Hospitalization in a civilian facility. If the soldier is in a civilian facility when retired, the spouse becomes responsible for those medical costs not covered under the soldier's TRICARE plan. While this is a factor to consider, a death imminent soldier who survives and needs additional hospital level care may be transferred to a VA hospital where TRICARE is not an issue. The installation TRICARE advisor (encl 2) should be consulted on this matter.

3. Point of contact is the ACofS, G1, Casualty Assistance Office, ext 798-4727/4729.

KENT R. SHAW, LTC, GS, ACofS, G1

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Summary Comparison on Selected Benefits (See Information Paper)

BENEFIT	DEATH ON ACTIVE DUTY	DEATH IN RETIRED STATUS
Servicemembers' Group Life Insurance (SGLI)	YES	YES; coverage retained for up to one year or until less than totally disabled
Death Gratuity (DG) (\$6000)	YES	YES, if death occurs within 120 days from service-connected disability
DVA Dependency and Indemnity Compensation (DIC)	YES	YES
Survivor Benefit Plan (SBP), offset by DIC, but may be more than DIC	ONLY if soldier has 20 years of active Federal service; election options restricted by law	YES, without regard to years of service; there are several election options, to include insurable interest for single soldiers
Supplemental SBP; increases basic SBP after age 62 reduction	NO	YES; only for spouse or spouse/child elections
Eligibility for DVA Service Disabled Veterans Life Insurance (SDVI) (\$10,000)	NO	YES

Encl 1

**IMMINENT DEATH PROCESSING
POINTS OF CONTACT**

Fort Campbell Casualty Assistance Office.....	(270) 798-4727/4729 DSN: 635-4727/4729
Physical Evaluation Board Liaison Officer (PEBLO)..... Ms. Gail Martin gail.martin@se.amedd.army.mil	(270) 798-8285 DSN: 635-8285
Installation Retirement Services Officer (RSO)..... Mr. Bill Weddington weddingtob@emh2.campbell.army.mil	(270)798-5280 DSN: 635-5280
Installation TRICARE Advisor.....	(930) 431-5569 1-800-941-4501