

Solano Veterans Scene – March 2012

Dependency and Indemnity Compensation

Veterans who have dependents may be able to use the Dependency and Indemnity Compensation program to provide some assistance to their loved ones when they are no longer here.

The Dependency and Indemnity Compensation program provides a monthly benefit to surviving spouses and dependent children of service members who die as a result of active military service. Surviving spouses of veterans may also be eligible for the benefit if the veteran died:

- After military service as a result of service-connected disability;
- Was rated with a 100 percent service-connected disability for more than 10 years; or
- Was released honorably from the service at the 100 percent disability rate and dies within five years of discharge.

Basic benefit rates for this program are \$1,195 a month, with an additional payment of \$233 if the veteran was rated 100 percent disabled for at least 10 continuous years prior to death.

This compensation payment is not income-based, and for the most part there is no minimum active duty service requirement, with the exception of some chronic diseases (such as Lou Gehrig's disease) that require a minimum 90 days length of service.

There a variety of scenarios where this payment could be available to dependents, so I encourage surviving spouses to come down for a benefit evaluation. For example, a Vietnam Veteran dies of a heart attack related to ischemic heart disease (decreased blood flow to the heart). This veteran had served from 1968 to 1970 and went to Vietnam; however, the veteran did not develop the heart condition until after the service time. Ischemic heart disease is a presumptive condition, and the spouse who was married to the veteran at the time of death could be eligible for this benefit.

It is important to look at the death certificate of the veteran and to read not only the cause of death but the contributory causes for death. For example, a veteran with a service-connected diagnosis for hypertension dies of a stroke or renal failure. There may be a correlation made between the service-connected hypertensive condition and the stroke or renal failure. If the hypertension is listed as a contributory cause of death, the surviving spouse could have a good claim.

Other examples of correlations between service-connected conditions and death could be:

- Post-Traumatic Stress Disorder or depression and suicide, and
- diabetes and almost any type of body system failure that diabetes affects.

Prisoners of War have a laundry list of conditions that are presumptively service connected. There are not that many POWs anymore and thank God for that. If you are the spouse of a POW who has died, you should contact this office to get a benefit evaluation.

Another aspect to this tax-free benefit is the surviving spouse receiving the benefit may forfeit the compensation if he/she remarries. However, if the dependent becomes single again due to death or divorce, that spouse will again be eligible for the compensation benefit from the former spouse. The rule is if the surviving spouse remarries before age 57, the benefit stops. After age 57 the surviving spouse may remarry without losing the compensation benefit.

One caveat is that the surviving spouse had to be married for at least one year prior to the death of the veteran to be eligible for the benefit. Dependency and Indemnity Compensation is also payable as if the death were service-connected, if the veteran dies as a result of VA examination, hospital care, medical or surgical treatment, vocational rehabilitation, or, since Nov. 1, 2001, a program of compensated work therapy.

Ted Puntillo is director of Veteran Services for Solano County. Reach him at 784-6590 or TEPuntillo@SolanoCounty.com. The Solano County Veteran Services Office, 675 Texas St. in Fairfield, is open Monday through Friday from 9 a.m. to noon and 1 to 4 p.m.