



## **Dependency and Indemnity Compensation (DIC)**

- **Eligibility depends on individual circumstances.**
- **Eligibility for most VA benefits programs depends on discharge from active military service under other than dishonorable conditions.**

DIC is a monthly benefit paid to eligible survivors of a:

- Military service member who died while on active duty, OR
- Veteran whose death resulted from a service-related injury or disease, OR
- Veteran whose death resulted from a non service-related injury or disease, and who was receiving, or was entitled to receive, VA Compensation for service-connected disability that was rated as totally disabling
  - \* for at least 10 years immediately before death, OR
  - \* since the veteran's release from active duty and for at least five years immediately preceding death, OR
  - \* for at least one year before death if the veteran was a former prisoner of war who died after September 30, 1999.

### **ELIGIBLE SURVIVORS FOR DIC:**

The surviving spouse if he or she:

- validly married the veteran before January 1, 1957, OR
- was married to a service member who died on active duty, OR
- married the veteran within 15 years of discharge from the period of military service in which the disease or injury that caused the veteran's death began or was aggravated, OR
- was married to the veteran for at least one year, OR
- had a child with the veteran, AND



Pierce County

## Senior Information & Assistance

- cohabited with the veteran continuously until the veteran's death or, if separated, was not at fault for the separation, AND
- is not currently remarried.

The surviving child(ren) if he or she is:

- unmarried AND
- under age 18, or between the ages of 18 and 23 and attending school. (Note: Certain helpless adult children are entitled to DIC. Call 1-800-827-1000 for the eligibility requirements for those survivors.) The surviving parents may also be eligible for an income-based benefit.

### HOW MUCH THE VA PAYS:

The basic monthly rate of DIC is \$948 for eligible surviving spouses. In some cases, VA can pay more; for example, because of dependent children. Call 1-800-827-1000 for information about rates paid to eligible children. [NOTE: When the surviving spouse is eligible for payments under the military's Survivor Benefit Program (SBP), only the amount of SBP greater than DIC is payable. If DIC is greater than SBP, only DIC is payable.]

### APPLICATION FOR DEPENDENCY & INDEMNITY COMPENSATION:

You can apply by filling out VA Form 21-534 (Application for Dependency and Indemnity Compensation, Death Pension and Accrued Benefits by a Surviving Spouse or Child), and submitting it to the VA regional office that serves your area. Call 1-800-827-1000 for information about supporting materials that VA may need to process your claim.

### RELATED BENEFITS:

*Health Insurance (CHAMPVA)*

*Federal Employment Preference*

*Home Loan Guaranty*

*Survivors' & Dependents' Educational Assistance*

For More Information, Call Toll-Free 1-800-827-1000  
or Visit VA's Web Site at [www.va.gov](http://www.va.gov)



## Veterans Benefits Act of 1998

Call (253) 798-4600 or 800-562-0332  
E-mail – [pcseniors@co.pierce.wa.us](mailto:pcseniors@co.pierce.wa.us)  
[www.PierceSeniorInfo.org](http://www.PierceSeniorInfo.org)



Pierce County

## Senior Information & Assistance

### DIC Restoration

**Question:** Following the death of my husband, who died in Vietnam, I remarried and my Dependency Indemnity Compensation payments were terminated. I am now divorced from my second husband. Can I have my benefits restored?

**Answer:** Yes, one of the provisions of the Veterans Benefits Act of 1998 provides for restored entitlement following the termination of a subsequent marriage.

**Question:** I understand that now that I am divorced from my second husband, I can have my DIC benefits restored. My divorce was final in January 1995. Am I entitled to benefits retroactive to that date?

**Answer:** No, the law stipulates that no benefits may be paid under this new provision for any month before October 1998.

**Question:** Will my benefits be restored automatically?

**Answer:** No, you must re-apply and advise the Department of Veterans Affairs of the termination of the remarriage.

**Question:** How much will I receive per month under this new amendment to the law?

**Answer:** Rates payable will conform to the payment provisions associated with the veteran's date of death, i.e., "veteran died prior to 1/1/93," or "veteran died on or after 1/1/93." If the veteran died after 1/1/93, you will be paid the current basic rate of \$911 per month. If the veteran died prior to 1/1/93 and you were receiving a rate higher than the basic flat rate, your benefits will be restored at the higher rate.



### Death Pension

Death Pension is a benefit paid to eligible dependents of deceased wartime veterans.

Eligibility:

- the deceased veteran was discharged from service under other than dishonorable conditions, AND

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- he or she served 90 days or more of active duty with at least 1 day during a period of wartime. However, 38 CFR 3.12a requires that anyone who enlists after 9/7/80 generally has to serve at least 24 months or the full period for which a person was called or ordered to active duty in order to receive any benefits based on that period of service. With the advent of the Gulf War on 8/2/90 (and still not ended by Congress to this day), veterans can now serve after 9/7/80 during a period of wartime. When they do, they generally now must serve 24 months to be eligible for pension or any other benefits. But note the exclusions in 38 CFR 3.12(d), AND
- you are the surviving spouse or unmarried child of the deceased veteran, AND
- your countable income is below a yearly limit set by law

### HOW MUCH THE VA PAYS:

VA pays you the difference between your countable income and the yearly income limit which describes your situation. This difference is generally paid in 12 equal monthly payments rounded down to the nearest dollar. Call 1-800-827-1000 for details.

### HOW CAN YOU APPLY ?

You can apply by filling out VA Form 21-534, Application for Dependency and Indemnity Compensation Or Death Pension by Surviving Spouse or Child. If available, attach copies of dependency records (marriage & children's birth certificates).

For More Information Call Toll-Free 1-800-827-1000  
Or Visit Our Web Site At <http://www.va.gov>

Information for this summary taken from <http://www.vba.va.gov/bln/21/Milsvc/Docs/DICDec2002Eng.doc>