

MILPERSMAN 1770-280

DEATH GRATUITY

Responsible Office	PERS-13	Phone: DSN TOLL FREE WITHIN U.S FROM OVERSEAS FAX	882-2501 1 (800) 368-3202 (901) 874-2501 874-6654
NAVPERSCOM CUSTOMER SERVICE CENTER		Phone: Toll Free	1-866-U ASK NPC

References	(a) 10 U.S.C. §1475-1480 (b) 50 U.S.C., Appendix 451, Military Selective Service Act (c) 10 U.S.C. §1501 (d) DoD 7000.14-R, DoD Financial Management Regulation (DoDFMR), Volume 7A, Chapter 36 Payments on Behalf of Deceased Members (e) DoD 5400.11-R DoD Privacy Program
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1. **Policy.** The care of family members after the death of a Sailor is paramount to the Navy. Reference (a) defines policy for eligibility and payment of death gratuity in the amount of \$100,000.

2. **Payment of Death Gratuity.** A death gratuity shall be paid expeditiously to, or for, eligible beneficiaries described in this article after official notification of the death of one of the following:

a. Sailor who dies while on active duty (ACDU) or while performing authorized travel to or from ACDU;

b. Reservist who dies while performing ACDU or while traveling directly to or from that ACDU;

c. Reservist who dies while performing inactive duty training (IDT). Reservist who dies while traveling directly to or from IDT, and those reservist staying at his or her residence during or between successive days of IDT are considered to have been on IDT on his or her date of death.

d. Member of a Navy Reserve Officer Training Corps (NROTC) unit who dies while performing one of the following:

(1) Annual training duty (under orders) for a period of more than 13 days; or

(2) Authorized travel to or from that annual training duty.

e. Applicant for membership in NROTC who dies while attending field training or a practice cruise, or while performing authorized travel to or from the destination for either event.

f. Sailor who dies while traveling to, from, or while at a place ordered or directed, for final acceptance for entry on ACDU (other than for training), and who has been:

(1) Provisionally accepted for that duty; or

(2) Selected, per reference (b), for duty in the Navy.

g. Sailor whose death is determined by administrative finding per reference (c).

3. **Death after Discharge or Release from Duty or Training.** A death gratuity shall be paid to or for eligible beneficiaries (described in this article) of a Sailor who dies during the 120-day period immediately following his or her date of discharge or release from ACDU or IDT, if the Secretary of Veterans Affairs determines the following:

a. The death resulted from an injury or disease incurred or aggravated during the ACDU or IDT described above, or during travel directly to or from such duty; and

b. The decedent was discharged or released under conditions other than dishonorable from the last period of the duty or training performed.

4. **Designation of Recipients**

a. Sailors may designate one or more persons to receive all or a portion of the death gratuity. Designations shall be made on NAVPERS 1070/602 Dependency Application/Record of Emergency Data (page 2) or DD Form 93 Record of Emergency Data, and the

amount payable to the designated beneficiary will be specified in 10 percent increments. Any portion of the death gratuity not designated will be paid per paragraph 5.

b. Per reference (a), if a married Sailor designates a person other than his or her spouse to receive all or a portion of the death gratuity, the Sailor's commanding officer (CO) shall provide written notice of the designation to the spouse (see paragraph 10).

5. **Distribution.** If the Sailor does not make a designation (under subparagraph 4a) or designates only a portion of the amount payable, the remaining amount shall be paid in the following order of precedence:

- a. Surviving spouse of the Sailor;
- b. If no surviving spouse exists, any surviving **children** (as prescribed by paragraph 6) of the Sailor and the descendants of any deceased children by representation;
- c. If none of the above exist, the surviving **parents** (as prescribed by paragraph 7) of the Sailor, or the survivor of the two;
- d. If none of the above exist, the duly-appointed executor or administrator of the estate of the Sailor; and
- e. If none of the above exist, other next of kin of the Sailor entitled under the laws of the domicile of the Sailor at the time of the Sailor's death.

6. **Children defined.** Children eligible to receive payment of the death gratuity (per paragraph 5b) without regard to age or marital status include one of the following:

- a. Legitimate children;
- b. Adopted children;
- c. Stepchildren who were a part of the Sailor's household at the time of his or her death;
- d. Illegitimate children of a female Sailor; and
- e. Illegitimate children of a male Sailor

(1) who have been acknowledged in writing and signed by the Sailor;

(2) who have been judicially determined, before the Sailor's death, to be his children;

(3) who have been otherwise proved, by evidence satisfactory to the Secretary of Veterans Affairs, to be children of the Sailor; or

(4) to whose support the Sailor had been judicially ordered to contribute.

7. **Parents defined.** For purposes of subparagraph 5c, parents include fathers and mothers through adoption. However, only one father and one mother may be recognized in any case. Preference shall be given to those who exercised a parental relationship on the date, or most nearly before the date on which the Sailor entered naval service.

8. **Death of Beneficiary before Receipt of Death Gratuity.** If a person entitled to all, or a portion, of a death gratuity dies before receiving payment, the death gratuity shall be paid to the living survivor next in the order of precedence prescribed by paragraph 5.

9. **Existing Designations.** All Sailors should periodically (at least annually) review their record of emergency data (NAVPERS 1070/602 or DD Form 93) to ensure the designated beneficiaries and allotted percentages (as applicable) are still accurate.

10. **Designations Other Than Spouse.** As per reference (a), if a married Sailor designates all, or a portion, of the death gratuity to a person other than his or her spouse, the commander (CDR), CO, or officer in charge (OIC) is required to notify the spouse in writing of the designation. The command pass coordinator (CPC) or personnel officer (PERSOFF) shall prepare and have the CDR, CO, or OIC sign, and mail the Spouse Notice of Designation letter (Exhibit 1), and ensure a copy is forwarded to Navy Personnel Command (NAVPERSCOM), Records Management Policy Branch (PERS-313) for inclusion in the Sailor's official military personnel file (OMPF). Commands with members qualifying under paragraphs 2d and 2e shall not forward a copy to NAVPERSCOM (PERS-313).

Note: Document must comply with latest submittal requirements for inclusion in the OMPF.

11. **Miscellaneous Provisions**

a. A payment may not be made if the Sailor was put to death as lawful punishment for a crime or a military offense, unless he or she was put to death by a hostile force with which the Armed Forces of the United States were engaged in armed conflict.

b. In the case of any Navy reservist who dies while traveling directly to or from ACDU for training or IDT, his or her CO or OIC shall determine whether the reservist was authorized, or required to perform the duty or training, and whether the reservist died from the injury so incurred. In making those determinations, the CO or OIC shall consider the following:

(1) The hour at which the reservist began to travel directly to or from the duty or training;

(2) The hour at which the reservist was scheduled to arrive for, or at which the reservist ceased performing, that duty or training;

(3) Method of travel used;

(4) Itinerary;

(5) Manner in which the travel was performed; and

(6) Immediate cause of death.

12. **Responsibilities**

a. **NAVPERSCOM, Casualty Assistance Branch (PERS-13) shall:**

(1) Verify eligible beneficiary designated to receive death gratuity payment.

(2) Draft and release authorization letter for electronic funds transfer (EFT) or check payments of death gratuity.

(3) Verify payment and receipt of death gratuity; document status in the Defense Casualty Information Processing System.

(4) Provide guidance if issues or concerns are raised regarding death gratuity policy, entitlements, or payments such as delays, payments to minor children, record of emergency data discrepancies, or beneficiary clarification.

b. Commander, Naval Installations Command Shall:

(1) Include pertinent information regarding death gratuity when providing casualty assistance calls officer (CACO) training. Assist CACOs and commands as required, and work with NAVPERSCOM (PERS-13) regarding payment of death gratuity.

(2) Immediately notify NAVPERSCOM (PERS-13) of any problems encountered by the CACO concerning death gratuity payments.

c. CDRs, COs, OICs, and Command Master Chiefs Shall:

(1) Ensure all assigned Sailors understand the importance of maintaining a current and accurate record of emergency data (NAVPERS 1070/602 or DD 93) to include their designation of death gratuity beneficiary(ies).

(2) In the event of a Sailor's death, comply with applicable sections of MILPERSMAN 1770 series.

(3) Ensure Spouse Notice of Designation (Exhibit 1) letter is mailed to affected spouse and filed in the OMPF upon notification from the CPC, PERSOFF, or personnel support detachment (PERSUPP DET) that member has designated all or part of the death gratuity to someone other than his or her lawful spouse.

d. CACO Shall:

(1) Verify the appropriate death gratuity recipient(s) through NAVPERSCOM (PERS-13). Death gratuity will be paid only after official notification of the Sailor's death has been made. **Caution: Death gratuity payments and amounts are confidential. Discuss death gratuity with the verified beneficiary(ies) only.**

(2) Assist death gratuity beneficiary(ies) in the claim process following procedures outlined in the following table below. Note that payment will be issued via EFT by the Defense Finance and Accounting Service - Cleveland Center (DFAS-CL). If the beneficiary does not have an accessible checking or savings account, request NAVPERSCOM (PERS-13) process payment by check.

EFT PAYMENT	CHECK PAYMENT
1. Contact CACO/funeral honors (FH) region program director (RPD) for step-by-step procedures and a sample package for payment of the death gratuity.	1. Verify beneficiary's identity; correct spelling of name and Social Security number. Inform NAVPERSCOM (PERS-13) and CACO/FH RPD that beneficiary requests check payment; transmit the verified identification information to both offices.
2. The following forms are required: <ul style="list-style-type: none"> • DD Form 397 Claim Certification and Voucher for Death Gratuity Payment; • SF 1199A Direct Deposit Sign-Up Form for EFT death gratuity payment; and • Voided check (if payment is to be deposited to a checking account) 	2. NAVPERSCOM (PERS-13) will coordinate check payments with the Navy Pay and Personnel Support Center (NPPSC) disbursing office and inform the CACO via the CACO/FH RPD of the PERSUPP DET or disbursing office and point of contact processing the payment. Note: For ships or commands with disbursing offices, if directed to initiate check payment, ensure NAVPERSCOM (PERS-13) has verified beneficiary information and authorized payment prior to disbursing funds.
3. Verify NAVPERSCOM (PERS-13) has determined the appropriate death gratuity recipient(s). Prepare DD 397 Claim Certification and Voucher for Death Gratuity Payment for beneficiary's signature; ensure blocks 5-10, 12a-d, 13a-b, and 14a-d are complete.	3. Contact the PERSUPP DET or disbursing office processing the payment.
4. During visit to the beneficiary, confirm his or her identity and the correct spelling of the beneficiary's name.	4. Obtain check, certification letter and DD 397 from PERSUPP DET. On DD 397, ensure blocks 3, 5-11, 15 a-d and 16a (1)-(3) are complete and form is signed (block 15c) by the cognizant PERSUPP DET.
5. Ensure beneficiary signs block 14a of DD 397.	5. Deliver check to beneficiary. Complete blocks 12 and 13 of DD 397 (as applicable). Ensure beneficiary signs block 14a.
6. Ensure two witnesses complete and sign blocks 14b and 14c of DD 397 (CACO may sign as a witness).	6. Ensure two witnesses complete and sign blocks 14b and 14c of DD 397 (CACO may sign as a witness).
7. Ensure beneficiary completes and signs SF 1199A. If applicable, obtain a voided check from beneficiary to verify accuracy of account information	7. Return original DD 397 to the PERSUPP DET. Provide copies of DD 397 to NAVPERSCOM (PERS-13) and CACO/FH RPD.
8. Provide copies of the DD 397, SF 1199A, and voided check (if applicable) to NAVPERSCOM (PERS-13) and CACO/FH RPD.	8. Accompany recipient to process the check at his or her financial institution. Assist (as needed) in authenticating the check, and using the check certification letter previously provided by PERSUPP DET.
9. Notify NAVPERSCOM (PERS-13) and CACO/FH RPD when payment has been received by beneficiary.	9. Notify NAVPERSCOM (PERS-13) and CACO/FH RPD when payment has been received.

(3) In compliance with reference (d), protect all personally identifiable information by submitting documents via secure means, such as encrypted e-mail.

e. **PERSUPP DET Shall:** Upon verification of the record of emergency data (NAVPERS 1070/602 or DD 93), if member has designated all or part of the death gratuity to someone other than his or her lawful spouse, send notification memo to CPC via Transaction Online Processing System for command action.

EXHIBIT 1
SPOUSE NOTICE OF DESIGNATION
(SAMPLE)

(Use proper letter format.)

COMMANDING OFFICER
Navy Recruiting District Columbia
1835 Assembly Street
Strom Thurmond Federal Building
Columbia, SC 29201-2480

1770
Ser CO 15/
March 7, 2011

Mr. Oliver O'Toole
938 Tankerhurst Drive
Waco, TX 55555

Dear Mr. O'Toole,

Our records indicate that you are the spouse of Petty Officer Pauline Williams O'Toole. Title 10 requires the services to notify the spouse whenever a Service member designates all or part of the death gratuity to someone other than his or her current lawful spouse. This letter is to inform you that on March 1, 2011, your spouse elected to designate all, or part, of her death gratuity to someone else.

Your spouse was entitled to make the above election. Though we are required to notify you of your spouse's decision, we are not authorized to disclose the name of the designated beneficiary. If you have any questions regarding this letter, please call 1-866-827-5672.

C. A. CAPTAIN

Copy to:
PERS-313