

**SUMMARY OF MAJOR CHANGES TO
DoD 7000.14-R, VOLUME 7A, CHAPTER 36
“PAYMENTS ON BEHALF OF DECEASED MEMBERS”**

All changes are denoted by blue font

Substantive revisions are denoted by a * preceding the section, paragraph, table,
or figure that includes the revision

Hyperlinks are denoted by *underlined, bold, italic, blue font*

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
360103.A	Inserted clarification of Department of Defense Form 93, Record of Emergency Data, about designated beneficiaries.	Add
360103.D	Inserted information regarding death of eligible survivor.	Add
360104.C	Moved Loco Parentis guidance to subparagraph 360104.D, and renumbered subparagraphs 360104.E and F.	Update
360106.D Bibliography	Inserted Additional Death Gratuity.	Add
360108	Moved payment responsibilities to Table 36-2 through 36-6.	Update
360207	Inserted settlement of deceased member's bonuses and special pays.	Add
Table 36-1	Revision to Eligible Beneficiaries.	Update
Table 36-2	Created new table entitled “Responsibility for Payment of Death Gratuity – General” and renumbered Tables 36-3 to 36-6.	Add
Table 36-3 Bibliography	Revision to Army payment procedures.	Update
Table 36-4 Bibliography	Revision to Navy responsibilities.	Update
Table 36-5	Revision to Air Force responsibilities.	Update
Table 36-6	Removed note 5.	Update

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CHAPTER 36**PAYMENTS ON BEHALF OF DECEASED MEMBERS**3601 DEATH GRATUITY

360101. Members for Whom Payable. Death gratuity will be paid, regardless of whether death occurred in the line of duty or as the result of a member's misconduct, to eligible beneficiaries of the following (except a temporary member of the Coast Guard Reserve):

A. A member who dies while on active duty or while traveling to or from such duty.

B. A former member who dies during the 120-day period beginning on the day following date of discharge or release, under honorable conditions, from active duty (including retirement for either disability or length of service). In this case, the Secretary of Veterans Affairs must determine that death resulted from disease or injury incurred or aggravated while the member was on active duty or while in authorized travel status to or from such duty.

C. Any person who dies while traveling to or from or while at a place for final acceptance, or for entry upon active duty (other than for training) in the Military Service, who has been ordered or directed to go to that place, and who has been:

1. Provisionally accepted for that duty; or

2. Selected, under the Military Selective Service Act, for duty in that Military Service.

D. A member whose death is determined by administrative finding under the Missing Persons Act.

E. A **National Guard or Reserve** member who dies while traveling directly to or from active duty for training or inactive training.

F. Any member of a Reserve Officers' Training Corps (ROTC) who dies while performing annual training duty under orders for a period of more than 13 days or while performing authorized travel to or from that annual training duty; or any applicant for membership in an ROTC who dies while attending field training or a practice cruise, or while performing authorized travel to or from the place where the training or cruise is conducted.

360102. Definitions

A. Active Duty. Active duty is full-time duty in the active service of a Uniformed Service, including active-duty training (full-time training duty, annual training duty, and attendance, while in the active service, at a school designated as a Military Service school by

law or by the Secretary concerned). (The exception to this definition is noted in the pertinent subparagraph 360101.B and 360101.C.)

B. Member. A member of the Military Service is a person appointed, enlisted, or inducted into a branch of the Military Services, including Reserve Components and cadets or midshipmen of the Military Service academies.

C. Reserve Components. The Reserve Components are the following: the Army National Guard of the United States; Army Reserve; Navy Reserve; Air National Guard of the United States; Air Force Reserve; Marine Corps Reserve; and Senior ROTC (SROTC).

360103. Beneficiaries

* A. Designation. A member may designate one or more persons to receive a portion of the amount payable under paragraph 360106. If a member provides conflicting information regarding designation of beneficiaries and their proportionate shares of the death gratuity in blocks 11 and 14 of the Department of Defense (DD) Form 93, Record of Emergency Data, then payment will be made only to the extent that there are unambiguous designations. For example, if a member completes block 11 by designating his mother to receive 100 percent of the death gratuity, and also completes block 14 by designating his mother and his sister to each receive 50 percent of the death gratuity, there are conflicting designations. In this situation, 50 percent of the death gratuity would be payable to the mother and the remaining 50 percent would be paid in accordance with Table 36-1. The amount payable to the designee must be specified in 10-percent increments. The balance of the amount of the death gratuity, if any, will be paid in accordance with Table 36-1. Effective January 28, 2008, if a member has a spouse, but designates a person other than the spouse to receive a portion of the amount payable, then the Secretary of the Military Service concerned (or designee) will provide notice of the member's designation to the spouse.

1. Effective May 25, 2007 through June 30, 2008, a member may designate another person to receive up to 50 percent of the amount payable under paragraph 360106.

2. Effective July 1, 2008, a member may designate one or more persons to receive all or a portion of the amount payable under paragraph 360106.

B. Distribution. If a member does not make a designation under subparagraph 360103.A, or designates only a portion of the amount payable, then the remaining amount of the death gratuity not covered by a designation will be paid as follows:

1. To the surviving spouse of the member, if any.

2. If there is no surviving spouse, then to any surviving children of the member and the descendants of any deceased children by representation.

3. If there is none of the above, then to the surviving parents of the member or the survivor of them.

4. If there is none of the above, then to the duly appointed executor or administrator of the estate of the member.

5. If there is none of the above, then to other next of kin of the member entitled under the laws of domicile of the member at the time of the member's death.

C. Treatment of Parents. For the purpose of subparagraph 360103.B.3, only one father and one mother may be recognized in any case, and preference will be given to those who **exercised** a parental relationship on the date, or most nearly before the date on which the member died.

* D. Death of Eligible Survivor. If an eligible survivor dies before receipt of the death gratuity, it will be paid to the living survivor next in the order of precedence (see subparagraph 360103.B).

* 360104. Determining Eligible Beneficiaries. When officially notified that a member of his or her command has died, the commanding officer maintaining the member's personnel or service records determines if an eligible death gratuity beneficiary exists in accordance with paragraph 360103 or the categories shown in Table 36-1. Legal assistance officers help in cases involving a question of law. Use the following evidence to establish whether an eligible beneficiary exists.

A. Lawful Spouse

1. Entitlement to Basic Allowance for Housing (BAH) or evidence of assignment of government quarters to a member and spouse; or

2. In the absence of BAH entitlement, as cited in subparagraph 360104.A.1, documentary evidence of marriage and proof of termination of any prior marriage of either the beneficiary or decedent.

B. Children. If a decedent is survived by a child or children, but **is not survived by a** spouse:

1. Documentary evidence showing termination of any marriage, including a certified copy of the spouse's death certificate, divorce, or annulment decree.

2. Entitlement to BAH for a child or children, or evidence of occupation of government quarters with the member before member's death.

3. In the absence of BAH entitlement, as cited in 360104.B.2, base eligibility of child or children upon documentary proof of relationship, including:

a. The original or certified copy of the original birth certificate.

b. A certified court order of adoption in the case of a legally adopted child.

4. A certified copy of the appointment paper if a guardian of a minor child, or children, has been appointed by a court (as distinguished from being awarded physical custody).

5. If the death gratuity is in excess of \$1,000, then payment for a minor child may be made to the parent, including an adoptive parent, as natural guardian when all of the following conditions exist:

a. A legal guardian has not been appointed.

b. The parent has custody of the minor child.

c. A statute of the state where the minor child and parent reside provides a means of obtaining a good acquittance and all statutory requirements have been met.

d. The parent has submitted a notarized statement, indicating the state statute involved, the facts bringing payment to the parent, and the parent understands the requirements of the statute.

6. The relationship between a member and his or her stepchild [can survive](#) the end of the marriage from which it arose. [If the marriage that created the relationship ended by death, then the relationship continues, absent evidence to the contrary.](#) If the marriage ended by divorce, as distinguished from death, then the relationship ends unless clear and convincing evidence is furnished showing continuance of close family ties and intention to continue the prior relationship.

* C. [Parents](#). If the decedent is not survived by a spouse or child and has not officially designated [any other individual\(s\) to receive the full](#) death gratuity, then the parent beneficiary must furnish:

1. Documentary evidence that any marriage entered into by the decedent has been terminated.

2. [A statement, witnessed by two individuals, that there are no living children.](#)

* D. In Loco Parentis. A person who stood in loco parentis (in the place of a parent) does not qualify for the death gratuity as a "parent" of the member. A member must designate such a person in order for that person to qualify as an eligible beneficiary.

E. Mentally Incompetent Beneficiary. If the beneficiary is mentally incompetent, then a photostat or certified copy of the court order appointing a guardian, trustee, committee, or other such person is required.

F. Effect of a Will. A will does not constitute a legal designation for death gratuity, since such payment is not money or debt due the member and cannot become part of the member's estate.

360105. Determinations Affecting Entitlement

A. Death as Lawful Punishment. No death gratuity is payable in the case of a member whose death is the result of a lawful punishment for a crime or military offense, except when such death was inflicted by any hostile force with which the Armed Forces of the United States had engaged in armed conflict.

B. Member Killed by Beneficiary. No death gratuity is payable to a beneficiary or survivor who kills a member, unless there is evidence which clearly absolves such beneficiary or survivor of any felonious intent.

C. Unauthorized Absence or Desertion

1. Absence Without Leave (AWOL) or Absence Over Leave (AOL). A death gratuity is payable in the case of a member whose death occurs while he or she is in an unauthorized absence status, AWOL or AOL, including in custody of civil authorities, provided the date of death is prior to the normal expiration of contracted duty.

2. Desertion. No death gratuity is payable in the case of a member who is a declared deserter at the time of his or her death, unless it is later found that the declaration was in error.

* 360106. Amounts Payable

A. Deaths Between August 2, 1990 and September 10, 2001. The amount of death gratuity is \$6,000.

B. Deaths Between September 11, 2001 and October 6, 2001. The amount of death gratuity is \$12,000.

C. Deaths On or After October 7, 2001. The amount of death gratuity is \$100,000.

* D. Additional Death Gratuity. An additional death gratuity in the amount of \$150,000 is payable to a beneficiary of the member who died, during the period beginning on October 7, 2001, and ending on August 31, 2005, while a member of the Armed Forces on active duty and whose death did not establish eligibility for an additional death gratuity under Public Law 109-13, section 1013(b).

E. Exemption From Indebtedness. Do not use death gratuity payment to satisfy indebtedness (including overpayments).

F. Taxability. Effective September 11, 2001, the death gratuity amount is excluded from gross income for tax purposes. Also, see Table 44-1, Rule 16 in Chapter 44.

360107. Expediting Payments. Immediate payment of death gratuity (within 24 hours, if possible) will be made when the eligible beneficiary can be determined and there is no doubt as to propriety of payment.

* 360108. Responsibility for Payment of Death Gratuity. See Tables 36-2 through 36-6.

360109. Erroneous Payment. An erroneous payment of death gratuity is one made to a person clearly not entitled to it because of administrative error rather than because of statements of record made by the member.

A. Make a second payment to the rightful beneficiary when the error resulted from improper maintenance of records or administrative negligence. Do not delay this payment pending recovery of the erroneous payment from the ineligible recipient.

B. Do not make a second payment of death gratuity to a different person if the original payment was based on statements of record made by the member, and the government has no reason to doubt the beneficiary's status was as stated.

3602 SETTLING DECEASED MEMBERS' ACCOUNTS

360201. General. This section contains the authority for payment of any unpaid pay and allowances due on behalf of a deceased member of the Armed Forces. Unpaid pay and allowances includes:

A. Pay and allowances due and unpaid at death, including settlement of accrued leave (subject to limitation in paragraph 350101, unless paragraph 341001 applies) when death occurs on or after August 28, 1965.

B. Amounts due for travel, per diem, transportation of dependents, and shipment of household goods.

C. Member's savings deposits and interest thereon.

D. If a member dies before receiving the full amount of the bonus due (including contracted future year anniversary payments) and death is not caused by the member's misconduct, then the remaining unpaid bonus balance is payable as a lump sum for inclusion in the settlement of the deceased member's final military pay account. If death is determined to be the result of the member's own misconduct, then termination of future payments and proration or recoupment of the bonus, as applicable, will be made in accordance with procedures established for members whose inability to complete a contracted period of service is voluntary or the result of misconduct.

E. Proceeds of any checks for items in subparagraphs 360201.A through D, unnegotiated by the member before death.

360202. Entitlement

A. Upon official notification of the death or finding of death, any amounts due the decedent are paid to the person(s) determined to be the eligible beneficiary or beneficiaries.

B. Any payments made under this section prohibit recovery of those payments by any other person.

C. When a minor child, otherwise eligible, is a designated or nondesignated beneficiary and a guardian has been appointed by a court (as distinguished from being awarded physical custody), a certified copy of this appointment paper is required.

360203. Designated Beneficiary. Current laws allow a member to designate anyone, related or not, to receive the member's unpaid pay and allowances upon death. Designation of a beneficiary for unpaid pay and allowances must have been executed by the member and filed in accordance with regulations governing such designations. When more than one beneficiary has been named, the percentages specified by the member govern payment. If no percentages have been specified, then payment will be divided equally among designated beneficiaries.

360204. Nondesignated Beneficiary

A. Order of Precedence. In cases of deceased members who have not designated a beneficiary, the following rules apply in determining the order of precedence:

1. The widow or widower of a member.
2. If there is no surviving spouse, then to the child or children of the member and descendents of deceased children, by representation.

3. If none of the above, then to the parents of the member, in equal shares, or to the surviving parent.

4. If none of the above, then to the duly appointed legal representative of the member's estate.

5. If none of the above, then to the person(s) determined to be entitled under the laws of the state in which the member was domiciled.

B. Adopted Child. An adopted child is a legal heir in every state and is, therefore, entitled to payment of unpaid pay and allowances, if otherwise proper. If the deceased member's child is adopted by others, then the child is a beneficiary only in those states where an adopted child inherits from the child's natural father.

C. Stepchild. A stepchild is not an eligible beneficiary, unless adopted by the deceased member.

D. Illegitimate Child. An illegitimate child may not be paid unpaid pay and allowances of a deceased member, unless such child is recognized for inheritance purposes under the laws of the jurisdiction involved.

360205. Responsibility for Settlement of Accounts. Accounts of deceased members are settled as prescribed in the procedural instructions of the Military Service concerned.

360206. Tax Abatement. See paragraph [440104](#) if the member's death was caused by terrorist or military action overseas.

* 360207. Bonuses and Special Pays. If the decedent was receiving any bonuses and/or special pays, then the provisions of [Chapter 2](#) shall apply.

ELIGIBLE BENEFICIARIES - DEATH GRATUITY		
	A	B
R U L E	*Death gratuity is payable to the following living survivor(s), of the deceased member, listed below (note 1)	which is defined as
*1	lawful spouse	a man or woman legally married to a member at the time of death.
2	child, or children, without regard to age or marital status, in equal shares (note 2)	a legitimate child.
3		a legally adopted child.
*4		a stepchild if such child was a member of the decedent's household. If the marriage that gave rise to the stepparent-stepchild relationship has ended, see subparagraph 360104.B.6 for guidance.
5		an illegitimate child if the father acknowledged the child in writing signed by him; or was judicially ordered to contribute to the child's support; or, was prior to his death judicially or otherwise shown by satisfactory evidence to be the father of the child; an illegitimate child of a female member as evidenced by birth certificate or other satisfactory evidence that member was mother of the child.
*6	surviving parent(s) in equal shares (note 3)	the natural father or mother.
*7		the father or mother through adoption.
8	other person(s)	any next of kin of the member entitled under the laws of the domicile of the member at the time of the member's death.

***NOTES:**

1. A member may elect to designate one or more persons other than his/her spouse as beneficiary as defined in paragraph 360103. Unless a specific percentage is shown, payment is divided equally among all designated beneficiaries. If no designation was made, then the death gratuity is to be paid to the living survivor(s) first listed in column A. See paragraph 360103.
2. If any of the member's children are deceased at the time of payment, payment is made to the deceased child(ren)'s descendants by representation. See subparagraph 360103.B.
3. Only one father or mother is recognized in any case. Give preference to those who exercised a parental relationship on the date, or most nearly before the date, on which the member died.

***Table 36 – 1. Eligible Beneficiaries - Death Gratuity**

*RESPONSIBILITY FOR PAYMENT OF DEATH GRATUITY - GENERAL		
R U L E	A	B
		If the deceased
1	was a member of the Army, Army National Guard, or Army Reserves (note 1)	DFAS-Indianapolis (IN) or the member's servicing finance center as specified in Table 36-3.
2	was a member of the Navy or Navy Reserves (note 1)	DFAS-Cleveland (CL) or the designated disbursing officer as specified in Table 36-4.
3	was a member of the Air Force, Air National Guard, or Air Force Reserves (note 1)	DFAS-IN or the finance office located nearest the beneficiary as specified in Table 36-5.
4	was a member of the Marine Corps or Marine Corps Reserve (note 1)	DFAS-CL as specified in Table 36-6.
5	is retired and dies within 120 days of retirement (note 2)	Retired and Annuitant Pay, DFAS-CL.
6	was discharged under honorable conditions, and dies within 120 days of separation (note 2)	the DFAS site responsible for servicing the deceased member's military pay account will be responsible for making payments to the member's beneficiaries.
7	is a member whose death is determined by administrative finding under the Missing Persons Act	
8	was a member of a SROTC (note 3)	
9	is a person who dies while traveling to or from or while at a place for final acceptance, or for entry upon active duty (other than for training) in the Military Service, who has been ordered or directed to go to that place, and who has been provisionally accepted for that duty, or selected, under the Military Selective Service Act, for duty in that Military Service	the DFAS site that would have maintained the individual's military pay account will be responsible for making payments to the member's beneficiaries.

NOTES:

1. Includes a National Guard or Reserve member who dies while traveling directly to or from active duty for training or inactive training.
2. Includes a former member who dies during the 120-day period beginning on the day following date of discharge or release, under honorable conditions, from active duty (including retirement for either disability or length of service). In this case, the Secretary of Veterans Affairs must determine that death resulted from disease or injury incurred or aggravated while the member was on active duty or while in authorized travel status to or from such duty.
3. Any member of a SROTC who dies while performing annual training duty under orders for a period of more than 13 days or while performing authorized travel to or from that annual training duty; or any applicant for membership in an ROTC who dies while attending field training or a practice cruise, or while performing authorized travel to or from the place where the training or cruise is conducted.

***Table 36-2. Responsibility for Payment of Death Gratuity - General**

RESPONSIBILITY FOR PAYMENT OF DEATH GRATUITY - ARMY		
R	A	B
U		
L		
E	If the beneficiary is a(n)	then death gratuity is settled by
1	Adult	the deceased members' servicing finance office. (note 2)
2	Minor	DFAS-IN.
3	Doubtful case (note 1)	DFAS-IN.

NOTES:

1. Doubtful cases include:
 - a. All cases coming under subparagraphs 360105.A, B, C, or any questionable cases under paragraph 360104.
 - b. Common law widow or widower.
 - c. A member's minor child, an adopted child without properly certified court adoption papers, and an illegitimate child.
2. The deceased member's servicing finance office will be responsible for making payment for all adult beneficiaries who fall within the established guides of paragraph 360103.

***Table 36-3. Responsibility for Payment of Death Gratuity - Army**

RESPONSIBILITY FOR PAYMENT OF DEATH GRATUITY - NAVY				
	A	B	C	D
R U L E	When eligibility of beneficiary or propriety of payment is	and determination is made that eligible beneficiary is	and	then death gratuity is paid by
1	not doubtful	a lawfully designated beneficiary	Navy Casualty Assistance (N135C) certifies beneficiary and payment amount	DFAS-CL upon authorization from N135C.
2			beneficiary requests local payment. N135C certifies beneficiary, payment amount,	the disbursing officer authorized by N135C to make payment.
3	doubtful (notes 1, 2, and 3)	required to be determined by N135C	N135C certifies beneficiary and payment amount	DFAS-CL upon authorization from N135C.

NOTES:

1. Doubtful cases include “common law widow or widower.”
2. All cases coming under subparagraph 360104.F and paragraph 360105 are doubtful cases.
3. Doubtful cases include a member’s minor child, adopted child without properly certified court adoption papers, and an illegitimate child.

***Table 36-4. Responsibility for Payment of Death Gratuity - Navy**

RESPONSIBILITY FOR PAYMENT OF DEATH GRATUITY - AIR FORCE				
R	A	B	C	D
U	When eligibility of beneficiary or propriety of payment is	and determination is made that eligible beneficiary is	and	then death gratuity is settled by
L				
E				
1	not doubtful	a lawful spouse (notes 1 and 2); or a child or children (notes 2 and 3); or a designated relative (notes 2, and 4)	upon receipt of notification of death (note 5)	the finance officer located nearest the residence of the beneficiary.
2		a designated non-relative		
3	doubtful	one of those listed in notes 1, 2, and 3		DFAS-IN.

NOTES:

1. DFAS-IN settles death gratuity payment to “common law widow or widower.”
2. DFAS-IN settles all cases coming under subparagraphs 360105.A, B, or C, and any questionable cases under subparagraph 360104.F
3. DFAS-IN settles doubtful cases, including: all minor children, all adopted children without properly certified court adoption papers, and all illegitimate children.
4. Relatives consist of a member’s parents, brothers and sisters, or any combination thereof.
5. If death occurs while a member is on a Permanent Change of Station (PCS) move, then the “losing” home installation notifies.

***Table 36-5. Responsibility for Payment of Death Gratuity - Air Force**

RESPONSIBILITY FOR PAYMENT OF DEATH GRATUITY - MARINE CORPS					
	A	B	C	D	E
R U L E	When the Commanding Officer (CO) determines that the eligible beneficiary is	and eligibility of beneficiary or propriety of payment is	and	And	then death gratuity is paid by
	1 a lawful spouse or a designated parent	not doubtful	the spouse or parent resides with the member at or near member's duty station or in the vicinity of the member's home port	the disbursing officer has access to member's pay and service records	DFAS-CL upon CMC (MHP-10) authorization
	2			payment is requested by the CO of an activity located in an outlying area	
	3			Member's unit is deployed, and the CO of the deployed unit requests by message that payment be made	
	4 a lawful spouse, child or children, designated, or non-designated relatives (note 1)	doubtful (notes 2, 3, and 4)	the relative did not reside with the member at or near member's duty station or home port	payment is requested by the CO of an activity located near residence of the designated beneficiary	
	5	not doubtful			
6					

***NOTES:**

1. Relatives consist of a member's parents, brothers, sisters and other next of kin of the member entitled under the laws of domicile of the member at the time of the member's death.
2. Doubtful cases include "common law widow or widower."
3. All cases coming under subparagraph 360104.F and paragraph 360105.
4. Doubtful cases include a member's minor child, an adopted child without properly certified court adoption papers, and an illegitimate child.

***Table 36-6. Responsibility for Payment of Death Gratuity - Marine Corps**

BIBLIOGRAPHY**CHAPTER 36 – PAYMENTS ON BEHALF OF DECEASED MEMBERS**

3601 – DEATH GRATUITY

360101	10 U.S.C. 1475-1480
360103	10 U.S.C. 1477
360104.B.5	38 Comp Gen 436
	47 Comp Gen 209
360104.B.6	24 Comp Gen 320
360104.E	21 Comp Gen 856
360105.C.1	29 Comp Gen 294
	31 Comp Gen 645
360106	10 U.S.C. 1478
360109	37 Comp Gen 131

3602 – SETTLING DECEASED MEMBERS' ACCOUNTS

360201	10 U.S.C. 2771
	37 U.S.C. 501(d)
360201.D	ASD(FMP) Memo, June 29, 1999
360202	10 U.S.C. 2771
	MS Comp Gen B-187037, October 22, 1976
360204.B and C	MS Comp Gen B-91021, February 6, 1950
360204.D	MS Comp Gen B-84757, June 22, 1950

* [Table 36-3](#) [Military Pay E-Message 09-020](#)

* [Table 36-4](#) [MILPERSMAN 1770-280, July 25, 2008](#)