



DEFENSE FINANCE AND ACCOUNTING SERVICE
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SEP 2 2004

DFAS-DFM

MEMORANDUM FOR DIRECTOR, CONTINUING GOVERNMENT ACTIVITY, DEFENSE
FINANCE AND ACCOUNTING SERVICE (DFAS-PD/CL)

SUBJECT: Interim Change to the Department of Defense Financial Management Regulation (DoDFMR), Volume 7B, Regarding Reserve Component Survivor Benefit Plan (RCSBP) Annuities when Reservist Dies as a Result of Inactive Duty Training in the Line-of-Duty (DFAS Item Number M-78)

The attached is Interim Change **R 10-04** to update the DoDFMR, Volume 7B. Public Law 108-136, Section 644, November 24, 2003, enhances and allows RCSBP benefits to beneficiaries of Reservists with less than 20 years of creditable service, who died from injuries or illness incurred or aggravated while performing inactive duty training in the line-of-duty. This change is retroactive to inactive duty training performed on or after September 10, 2001.

We have reviewed your comments on the proposed change and included your comments where appropriate. Assignment of the interim change number is your authority to initiate a procedural modification to implement this change. Use the attached to initiate the formal change to the DoDFMR, Volume 7B.

Jerry S. Hinton
Director for Finance

Attachments:

As stated

cc: ODUSD (MMP)(Comp)
OUSD (C)(ODCFO)(FP)
ODGC (F)
DFAS-GA/CL
DFAS-PMJE/DE
Services Liaisons
USCG/NOAA/PHS Liaisons

1. Revise Chapter 52 Heading to read:

**“SURIVIVOR BENEFIT PLAN – DEATH OF MEMBER ON ACTIVE DUTY/
INACTIVE DUTY TRAINING”**

2. Add to the Table of Contents:

5208	INACTIVE DUTY TRAINING DEATH
520801	Authority
520802	Death in Line-of-Duty
520803	Death Not in Line-of-Duty
520804	Qualified Annuitants
520805	Annuity Amount
520806	Supplemental SBP (SSBP)
520807	Line-of-Duty Determination
520808	Responsibilities

3. Add to Chapter 52 - Expanded Table of Contents

“5208 Inactive Duty Training Death”

4. Add Section 5208 as follows:

5208 INACTIVE DUTY TRAINING DEATH

520801. Authority. Public Law 108-136, Section 644, November 24, 2003, provides benefits under the Reserve Component Survivor Benefit Plan (RCSBP) for qualified annuitants of a Reserve Component member who dies from injuries or illness incurred or aggravated while performing inactive duty training and the death is determined to have occurred in the line-of- duty. This section applies to deaths that occur as a result of inactive duty training performed on or after September 10, 2001.

520802. Death in Line-of-Duty. On or after September 10, 2001, qualified survivors of a member who is not retirement eligible and dies from injuries or illness incurred or aggravated while performing inactive duty training and the death is determined to be in line-of-duty, may be eligible for RCSBP benefits under Section 1448(f)(1)(B) of Title 10, United States Code.

520803. Death Not in Line-of-Duty. The death of a Reserve Component member who is **NOT** retirement eligible and whose death is determined to have occurred “**not in line-of-duty**”, does not qualify under this section.

520804. Qualified Annuitants. The annuity payment will be made based on the following priority.

A. Former Spouse by Court-Order. The annuity is payable to the former spouse if the member was required under a court-order or spousal agreement to provide an annuity to the former spouse upon becoming eligible to participate in the RCSBP or if the member has made an election to provide an annuity to the former spouse.

B. Current Spouse. The annuity is payable to the current surviving spouse unless the annuity is payable to the former spouse.

C. Children. Children of the member when the former spouse is not eligible and either there is no surviving spouse or the surviving spouse later dies. The children are not qualified annuitants if a surviving spouse loses entitlement to the annuity for a reason other than death. See paragraph 440103 of this manual.

520805. Annuity Amount. The annuity payable for a death that occurred while performing inactive-duty training under this section is computed pursuant to 10 U.S.C. 1451(c) (see Table 46-1, Rule 10).

520806. Supplemental SBP (SSBP). No SSBP benefit is payable under this section to a surviving spouse or the former spouse of a member who dies while performing inactive-duty training.

520807. Line-of-Duty Determination. For the purpose of determining eligibility for SBP benefits under this section, a service member's death will be generally considered to be in line of duty unless:

A. The death occurred while the member was not serving on inactive duty training,

B. The death was the result of the member's own intentional misconduct or willful negligence, or

C. The death occurred from injuries or illness incurred or aggravated during a period of unauthorized absence.

520808. Responsibilities. The Military Services will make determination and a written finding as to whether a member's death occurred in the line-of-duty from injuries or illness incurred or aggravated while performing inactive-duty training on or after September 10, 2001. A written finding must describe the circumstances under which the member died, and it must also address whether the death was caused by the member's own intentional misconduct or willful negligence. Once DFAS receives the determination, DFAS will compute and pay the annuity to qualified survivors.

5. Revise Table 46-1, Rule 10, Column A, by adding the following:

“, or (c) not eligible for a Reserve Component annuity and dies in the line-of-duty from injuries or illness incurred or aggravated while performing inactive-duty training on or after September 10, 2001 (see note 11).”

6. Add the following Note 11 to Table 46-1:

“11: See Section 5208 of this volume.

7. Revise paragraph 540206 to read:

“540206. Member. A member of the Reserve Component who has completed 20 years of qualifying federal service, or a member with less than 20 years of service who dies from injuries or illness incurred or aggravated while performing inactive duty for training and the death was determined to be in the line-of-duty. Also, see Section 5208 below.”

8. Add the following new subparagraph 560101.D.6 to read:

“6. Was married to a Reserve Component member who is not yet eligible to provide a Reserve Component annuity, but who dies from injuries or illness incurred or aggravated while performing inactive duty training on or after September 10, 2001, if the death is determined to be in the line-of-duty. Also, see Section 5208 below.”

9. Add the following new subparagraph E to paragraph 560102 to read:

E. Children of a member described in subparagraph 560101.D.6, above, if there is no eligible surviving spouse or the surviving spouse subsequently dies.

10. Add to the Bibliography:

Paragraph

Citation

5208

Public Law 108-136, section 644, November 24, 2003
DUSD (P&R) Memo, April 27, 2004