

**VOLUME 7A, CHAPTER 36: “PAYMENTS ON BEHALF OF DECEASED MEMBERS”**

**SUMMARY OF MAJOR CHANGES**

Changes are identified in this table and also denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [February 2018](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated formatting and hyperlinks to comply with current administrative instructions.	Revision
1.2 (360102)	Updated the “Authoritative Guidance” paragraph to comply with current administrative instructions.	Revision
2.1.5. (360201.E)	Updated the subparagraph on National Guard and Reserve members to comply with Title 10, United States Code, section 1475.	Revision
References	Renamed “Bibliography” to “References.”	Revision

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## CHAPTER 36

**PAYMENTS ON BEHALF OF DECEASED MEMBERS**

## 1.0 GENERAL (3601)

## 1.1 Purpose (360101)

The purpose of this chapter is to provide policy pertaining to the processing of payments on behalf of deceased military members.

## \*1.2 Authoritative Guidance (360102)

The pay policies and requirements established by the DoD in this chapter are derived primarily from, and prepared in accordance with the United States Code (U.S.C.), including Titles 10, 24, 29, 31, 34 and 37. Due to the subject matter in this chapter, the list of authoritative sources is extensive. The specific statutes, regulations, and other applicable guidance that govern each individual section are listed in a reference section at the end of the chapter.

## 2.0 DEATH GRATUITY (3602)

## 2.1 Members for Whom Payable (360201)

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):

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

2.1.2. 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;

2.1.3. Any person who dies either while traveling to, 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:

2.1.3.1. Provisionally accepted for that duty; or

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

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

\* 2.1.5. A National Guard or Reserve member who:

2.1.5.1. Dies while on inactive duty training (other than work or study in connection with a correspondence course of an armed force or attendance, in an inactive status, at an educational institution under the sponsorship of an armed force or the Public Health Service); or

2.1.5.2. When authorized or required by an authority designated by the Secretary, assumed an obligation to perform active duty for training, or inactive duty training (other than work or study in connection with a correspondence course of an armed force or attendance, in an inactive status, at an educational institution under the sponsorship of an armed force or the Public Health Service), and who dies while traveling directly to or from that active duty for training or inactive duty training or while staying at the National Guard or Reserve member's residence, when so authorized by proper authority, during the period of such inactive duty training or between successive days of inactive duty training; or

2.1.6. 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; or a graduate of a ROTC who has received a commission but has yet to receive a first duty assignment.

## 2.2 Definitions (360202)

2.2.1. 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, or 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 subparagraphs 2.1.2 and 2.1.3.)

2.2.2. 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.

2.2.3. Reserve Components. The Reserve Components consist of the U.S. Army National Guard, Army Reserve, Navy Reserve, Marine Corps Reserve, U.S. Air National Guard, and the Air Force Reserve.

## 2.3 Beneficiaries (360203)

2.3.1. Designation. A member may designate one or more persons, to receive a portion of the amount payable under paragraph 2.6. 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 DoD (DD) Form 93, Record of Emergency Data, then payment will be made only to the extent that there are unambiguous designations.

Example: If a member completes block 11 by designating his mother to receive 100 percent of the death gratuity, and 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 subparagraph 2.3.2. 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 subparagraph 2.3.2. 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 concerned will provide notice of the member's designation to the spouse.

2.3.1.1. Effective May 25, 2007 through June 30, 2008, a member may designate another person other than those on the survivor precedent list mandated by law at that time to receive up to 50 percent of the amount payable under paragraph 2.6.

2.3.1.2. Effective July 1, 2008, a member may designate one or more persons to receive all or a portion of the amount payable under paragraph 2.6.

2.3.2. Distribution. If a member does not make a designation under subparagraph 2.3.1, 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:

2.3.2.1. To the surviving spouse of a member;

2.3.2.2. If no surviving spouse, then the child or children of the member and descendants of deceased children, by representation;

2.3.2.3. If no survivor in accordance with subparagraphs 2.3.2.1 or 2.3.2.2, then the parents of the member, in equal shares, or to the surviving parent;

2.3.2.4. If no survivor in accordance with subparagraphs 2.3.2.1 through 2.3.2.3, then the duly appointed legal representative of the member's estate; or

2.3.2.5. If no survivor in accordance with subparagraphs 2.3.2.1 through 2.3.2.4, then the person(s) determined to be entitled under the laws of the state in which the member was domiciled.

2.3.3. Treatment of Parents. For the purpose of subparagraph 2.3.2.3, 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.

2.3.4. 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 2.3.2).

## 2.4 Determining Eligible Beneficiaries (360204)

When officially notified that a member of his or her command has died, the commanding officer (CO) maintaining the member's personnel or service records determines if an eligible death gratuity beneficiary exists in accordance with paragraph 2.3 or the categories shown in Table 36-1. Legal assistance officers will aid in cases involving a question of law.

2.4.1. Lawful Spouse. If a decedent is survived by a spouse, the following evidence will be used to determine whether an eligible beneficiary exists:

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

2.4.1.2. Documentary evidence of marriage and proof of termination of any prior marriage of either the beneficiary or decedent.

2.4.2. Children. If a decedent is survived by a child or children, but is not survived by a spouse, the following evidence will be used to determine whether an eligible beneficiary exists:

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

2.4.2.2. Evidence must show entitlement to BAH for a child or children, or evidence of occupation of government quarters with the member before member's death.

2.4.2.3. Base eligibility of child or children upon documentary proof of relationship, including:

2.4.2.3.1. The original or certified copy of the original birth certificate; or

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

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

2.4.2.5. If the death gratuity is \$10,000 or less, 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 (and the parent provides a notarized statement attesting to all of these conditions):

2.4.2.5.1. A legal guardian has not been appointed;

2.4.2.5.2. The parent has custody of the minor child;

2.4.2.5.3. The parent will hold the payment for the sole use and benefit of the minor until the minor reaches adulthood;

2.4.2.5.4. The parent will account to the minor for such amount when the minor reaches adulthood; and

2.4.2.5.5. The parent will hold the government harmless in the event the minor, when he/she reaches adulthood, brings any legal action challenging the government's payment to the minor's parent.

2.4.2.6. If the death gratuity is in excess of \$10,000, then payment may only be made to the guardian or conservator appointed by a court to receive such payments for the minor's benefit, thereby providing the government a means of obtaining a good acquittance.

2.4.2.7. 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.

2.4.3. 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:

2.4.3.1. Documentary evidence that any marriage entered into by the decedent has been terminated; and

2.4.3.2. A statement, witnessed by two individuals, that there are no living children.

2.4.4. 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.

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

2.4.6. 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 thus cannot become part of the member's estate.

## 2.5 Determinations Affecting Entitlement (360205)

2.5.1. 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.

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

2.5.3. Unauthorized Absence or Desertion

2.5.3.1. 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, either AWOL or AOL, including being in custody of civil authorities, provided the date of death is prior to the normal expiration of contracted duty.

2.5.3.2. 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.

2.6 Amounts Payable and Exemptions (360206)

2.6.1. The amount of death gratuity is \$100,000.

2.6.2. Death gratuity payments may not be used to satisfy indebtedness (including overpayments).

2.6.3. The death gratuity amount is excluded from gross income for tax purposes. Also, see Chapter 44, Table 44-1, Rule 16.

2.7 Expediting Payments (360207)

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

2.8 Responsibility for Payment of Death Gratuity (360208)

See Tables 36-2 through 36-6.

2.9 Erroneous Payment (360209)

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



2.9.1. 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.

2.9.2. 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 that the beneficiary's status was as stated.

### 3.0 SETTLING DECEASED MEMBERS' ACCOUNTS (3603)

#### 3.1 General (360301)

Payment of any unpaid pay and allowances due on behalf of a deceased member of the Armed Forces will be made to the designated or non-designated beneficiary as defined in paragraphs 3.3 or 3.4. Unpaid pay and allowances include:

3.1.1. Pay and allowances due and unpaid at death, including settlement of accrued leave (subject to limitation in Chapter 35, subparagraph 350201.A.4.c). Entitlement restrictions apply.

3.1.1.1. Family Separation Allowance (FSA). If a member dies within the first 30-days of qualifying duty, then the member is not entitled to FSA-Ship (S) (Chapter 27, subparagraph 270203.A.2) or FSA-Temporary (T) (Chapter 27, subparagraph 270203.A.3). FSA-S and FSA-T will be excluded from the final settlement of the member's military pay account.

3.1.1.2. Hardship Duty Pay – Location (HDP-L). If a member dies within the first 30-days of qualifying duty, then the member is not entitled to HDP-L (Chapter 17, paragraph 170201). HDP-L will be excluded from the final settlement of the member's military pay account;

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

3.1.3. Member's savings deposits and interest thereon;

3.1.4. If a member dies before receiving the full amount of the bonus due (including contracted future year anniversary payments) and if 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; or

3.1.5. Proceeds of any checks for items in subparagraphs 3.1.1 through 3.1.4, unnegotiated by the member before death.

### 3.2 Entitlement (360302)

3.2.1. 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.

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

3.2.3. When a minor child, otherwise eligible, is a designated or non-designated beneficiary, payment will be made according to the provisions of subparagraphs 2.4.2.5 and 2.4.2.6.

### 3.3 Designated Beneficiary (360303)

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.

### 3.4 Non-designated Beneficiary (360304)

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

3.4.1.1. The surviving spouse of a member;

3.4.1.2. If no surviving spouse, then the child or children of the member and descendants of deceased children, by representation;

3.4.1.3. If no survivor in accordance with subparagraphs 3.4.1.1 or 3.4.1.2, then the parents of the member, in equal shares, or to the surviving parent;

3.4.1.4. If no survivor in accordance with subparagraphs 3.4.1.1 through 3.4.1.3, then the duly appointed legal representative of the member's estate; or

3.4.1.5. If no survivor in accordance with subparagraphs 3.4.1.1 through 3.4.1.4, then the person(s) determined to be entitled under the laws of the state in which the member was domiciled.

3.4.2. 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 parent.

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

3.4.4. Illegitimate Child.

3.4.4.1. An illegitimate child of a deceased female member; or

3.4.4.2. An illegitimate child of a deceased male member:

3.4.4.2.1. **Who** has been acknowledged in writing, signed by the decedent;

3.4.4.2.2. **Who** has been judicially determined, before the decedent's death, to be the member's child;

3.4.4.2.3. **Who** has been otherwise proved, by evidence satisfactory to the Secretary of Veterans Affairs, to be a child of the decedent; or

3.4.4.2.4. **To whose support** the decedent had been judicially ordered to contribute.

3.5 Responsibility for Settlement of Accounts (360305)

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

3.6 Tax Abatement (360306)

See Chapter 44, paragraph 440204 if the member's death was caused by terrorist or military action overseas.

3.7 Bonuses and Special Pays (360307)

If the decedent was receiving any bonuses and/or special pays, then the provisions of Chapter 2 will apply.

3.8 Advance of Pay (360308)

The following applies to a deceased member's final pay computation:

3.8.1. Except for an advanced pay paid under the provisions of Chapter 32, paragraph 320203, when a member is in a combat zone and receiving imminent danger or hostile fire pay, advance pays that have not been repaid prior to the death of the member remain a debt to the United States for the unliquidated amount. Advance pays paid under paragraph 320203 and not fully collected at the time of death will not be collected against the estate of a deceased member.

3.8.2. A member may receive an early payment of pay and allowances due to a regular payday falling on a weekend or legal holiday. If the member dies before the last day of that pay period, then no collection will be taken for any extra days of pay received.

Table 36-1. Eligible Beneficiaries - Death Gratuity

<b>R U L E</b>	<b>Death gratuity is payable to the following living survivor(s), of the deceased member as listed (note 1)</b>	<b>which is defined as</b>
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	child, or children, without regard to age or marital status, in equal shares (note 2)	a legally adopted child.
4	child, or children, without regard to age or marital status, in equal shares (note 2)	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 2.4.2.7 for guidance.
5	child, or children, without regard to age or marital status, in equal shares (note 2)	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	surviving parent(s) in equal shares (note 3)	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 instead of or in addition to his/her spouse as beneficiary as defined in paragraph 2.3. 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 2.3.
2. If any of the member's children are deceased at the time of payment, payment is made to the descendants of deceased children, by representation. See subparagraph 2.3.2.
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 36-2. Responsibility for Payment of Death Gratuity - General

<b>R U L E</b>	<b>If the deceased</b>	<b>then payment is made by</b>
<b>1</b>	was a member of the Army, Army National Guard, or Army Reserves (note 1)	the Defense Finance and Accounting Service (DFAS) Indianapolis (IN) or the member's servicing finance center as specified in Table 36-3.
<b>2</b>	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.
<b>3</b>	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.
<b>4</b>	was a member of the Marine Corps or Marine Corps Reserve (note 1)	DFAS-CL as specified in Table 36-6.
<b>5</b>	is retired and dies within 120-days of retirement (note 2)	DFAS-CL, Retired and Annuitant Pay
<b>6</b>	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.
<b>7</b>	is a member whose death is determined by administrative finding under the Missing Persons Act	the DFAS site responsible for servicing the deceased member's military pay account.
<b>8</b>	was a member of a Senior ROTC (SROTC) (note 3)	the DFAS site responsible for servicing the deceased member's military pay account.
<b>9</b>	is a person who dies while traveling to, 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.

**NOTES:**

1. Includes a National Guard or Reserve member who dies while traveling directly to or from active duty for training or inactive duty 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 36-3. Responsibility for Payment of Death Gratuity - Army

<b>R U L E</b>	<b>If the beneficiary is a(n)</b>	<b>then death gratuity is settled by</b>
<b>1</b>	Adult	the deceased members' servicing finance office. (note 1)
<b>2</b>	Minor	DFAS-IN.
<b>3</b>	Doubtful case (note 2)	DFAS-IN.

**NOTES:**

1. 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 2.3.
2. Doubtful cases include:
  - a. All cases coming under subparagraphs 2.5.1, 2.5.2, 2.5.3, or any questionable cases under paragraph 2.4;
  - b. Common law widow or widower; or
  - c. A member's minor child, an adopted child without properly certified court adoption papers, and an illegitimate child.

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

<b>R U L E</b>	<b>When eligibility of beneficiary or propriety of payment is</b>	<b>and determination is made that eligible beneficiary is</b>	<b>and</b>	<b>then death gratuity is paid by</b>
<b>1</b>	not doubtful	a lawfully designated beneficiary	Navy Casualty Assistance (N135C) certifies beneficiary and payment amount,	DFAS-CL upon authorization from N135C.
<b>2</b>	not doubtful	a lawfully designated beneficiary	beneficiary requests local payment, after N135C certifies beneficiary and payment amount,	the disbursing officer authorized by N135C to make payment.
<b>3</b>	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 2.4.6 and paragraph 2.5 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 36-5. Responsibility for Payment of Death Gratuity - Air Force

<b>R U L E</b>	<b>When eligibility of beneficiary or propriety of payment is</b>	<b>and determination is made that eligible beneficiary is</b>	<b>and</b>	<b>then death gratuity is settled by</b>
<b>1</b>	not doubtful	a lawful spouse (notes 1 and 2); or adult child or children (notes 2 and 3); or a designated relative (notes 2, and 4). Minor children are paid by DFAS along with those identified in rule 3	upon receipt of notification of death (note 5)	the finance officer located nearest the residence of the beneficiary.
<b>2</b>	not doubtful	a designated non-relative	upon receipt of notification of death (note 5)	the finance officer located nearest the residence of the beneficiary.
<b>3</b>	doubtful	one of those listed in notes 1, 2, and 3	upon receipt of notification of death (note 5)	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 2.5.1, 2.5.2, 2.5.3, and any questionable cases under subparagraph 2.4.6.
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, sisters, or any combination thereof.
5. If death occurs while a member is on a Permanent Change of Station move, then the “losing” home installation notifies.

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

<b>R U L E</b>	<b>When the CO determines that the eligible beneficiary is</b>	<b>and eligibility of beneficiary or propriety of payment is</b>	<b>and</b>	<b>and</b>	<b>then death gratuity is paid by</b>
<b>1</b>	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 Commandant of the Marine Corps Casualty Section authorization.
<b>2</b>	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	payment is requested by the CO of an activity located in an outlying area	DFAS-CL upon Commandant of the Marine Corps Casualty Section authorization.
<b>3</b>	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	member's unit is deployed, and the CO of the deployed unit requests by message that payment be made	DFAS-CL upon Commandant of the Marine Corps Casualty Section authorization.
<b>4</b>	a lawful spouse, child or children, designated, or non-designated relatives (note1)	doubtful (notes 2, 3, and 4)	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	member's unit is deployed, and the CO of the deployed unit requests by message that payment be made	DFAS-CL upon Commandant of the Marine Corps Casualty Section authorization.
<b>5</b>	a lawful spouse, child or children, designated, or non-designated relatives (note1)	not doubtful	the relative did not reside with the member at or near member's duty station or home port	member's unit is deployed, and the CO of the deployed unit requests by message that payment be made	DFAS-CL upon Commandant of the Marine Corps Casualty Section authorization.
<b>6</b>	a lawful spouse, child or children, designated, or non-designated relatives (note1)	not doubtful	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	DFAS-CL upon Commandant of the Marine Corps Casualty Section authorization.

Table 36-6. Responsibility for Payment of Death Gratuity - Marine Corps (Continued)

**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 2.4.6 and paragraph 2.5.
4. Doubtful cases include a member's minor child, an adopted child without properly certified court adoption papers, and an illegitimate child.

**\*REFERENCES****CHAPTER 36 – PAYMENTS ON BEHALF OF DECEASED MEMBERS****2.0 – DEATH GRATUITY (3602)**

2.1	10 U.S.C., sections 1475-1480
2.1.5.	10 U.S.C. § 1475(a)(3)
2.1.6.	National Defense Authorization Act for Fiscal Year 2020, Public Law 116-92, section 623, December 20, 2019
2.3	10 U.S.C. § 1477
2.4.2.7.	24 Comptroller General (Comp Gen) 320
2.5.2.	34 Comp Gen 103
2.5.3.1.	29 Comp Gen 294
	31 Comp Gen 645
2.6	10 U.S.C. § 1478
2.9	37 Comp Gen 131

**3.0 – SETTLING DECEASED MEMBERS' ACCOUNTS (3603)**

3.1	10 U.S.C. § 2771
	37 U.S.C. § 501(d)
3.1.1.1.	37 U.S.C. § 427(a)(2)
3.1.1.2.	Assistant Secretary of Defense Force Management Policy Memo, December 21, 2000
3.2	10 U.S.C. § 2771
	Comp Gen B-187037, October 22, 1976
3.4.2. and 3.4.3.	Comp Gen B-91021, February 6, 1950
	<a href="#">10 U.S.C. § 2771</a>
3.4.4.	10 U.S.C. § 1477(d)(5)
3.8.1.	37 U.S.C. § 212(c)
	37 U.S.C. § 1006(d)
3.8.2.	37 U.S.C. § 1006 (h)
Table 36-3	Military Pay E-Message 09-020
Table 36-4	Military Personnel Manual 1770-280, August 4, 2014