

**DOD 7000.14-R, VOLUME 7B, CHAPTER 61
 “ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES (ACMSS)”**

**This is a new Department of Defense Financial Management Regulation
 (“DoDFMR”) chapter.**

PARA	EXPLANATION OF CHANGE/REVISION	EFFECTIVE DATE
	Interim change (IC) R 10-02 renumbered Chapter 52 as the new Chapter 61.	
Table 61-1	IC R 03-05 added the Cost-of-Living Adjustments effective December 1, 2003 through December 1, 2005.	December 1, 2003 December 1, 2004 December 1, 2005

TABLE OF CONTENTS

ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES (ACMSS)

6101	Authority
6102	Annuity Application
6103	Definition of a Qualified Surviving Spouse and Deceased Retired Member
610301	Qualified Surviving Spouse
610302	Deceased Retired Member
6104	Payment of Annuity
610401	Payment Effective Date
610402	Representative Payee
610403	Report of Existence (ROE) and Certificate of Continued Eligibility (COE)
610404	Debt Collection
610405	Taxability
610406	Death of Annuitant
610407	Arrears of Annuity
610408	Remarriage
6105	Annuity Amount and Offset
610501	Amount
610502	Offset
610503	Social Security Offset
6106	Funding

CHAPTER 61

ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES (ACMSS)6101 AUTHORITY

Public Law 105-85 (reference fu), provided temporary authority to pay certain military surviving spouses who were qualified surviving spouses effective December 1, 1997. Public Laws 106-65 and 107-314 provided permanent authority and technical amendments to ACMSS.

6102 ANNUITY APPLICATION

A qualified surviving spouse submits a claim, DD Form 2769 (Application for Annuity Certain Military Surviving Spouses), to the Military Service concerned. The Military Service reviews the claim and determines whether the applicant is qualified for an ACMSS annuity. If information is unavailable from existing records (such as DEERS (Defense Enrollment Eligibility Reporting System)), the applicant may be required to submit the following documentation to the Military Service: certified copies of the member's death certificate, marriage certificate, DD Form 214 (Certificate of Release or Discharge From Active Duty), retirement order, retired pay statement, or any additional information needed to substantiate the claim. The Military Service notifies the applicant on the disposition of the claim within 60 days. The Military Service forwards approved claims to DFAS Cleveland Site for payment.

6103 DEFINITION OF A QUALIFIED SURVIVING SPOUSE AND DECEASED RETIRED MEMBER

610301. Qualified Surviving Spouse. A qualified surviving spouse is defined as a spouse who:

A. Was married to a deceased retired member of a Uniformed Service described below at the time of such member's death and has never been remarried; and

B. Was married to the member at the time the member became eligible for retired pay, or had been married to the member for at least one year before the date of death, or was the parent of a child born of such marriage.

610302. Deceased Retired Member. A deceased retired member is one who:

A. Became entitled to retired pay or retainer pay before September 21, 1972, died before March 21, 1974, and was entitled to retired or retainer pay on the date of death, or

B. Died before October 1, 1978, and at the time of death would have been entitled to retire pay under chapter 67 of title 10, United States Code [10 U.S.C. section 1331 et seq.] (as in effect before December 1, 1994), except for the fact that the member was under 60 years of age. The ACMSS under this subparagraph is payable for the months beginning after September 30, 1999.

6104 PAYMENT OF ANNUITY

610401. Payment Effective Date. Upon receipt of a validated claim endorsed by the Military Service, DFAS Cleveland shall begin payment to a qualified surviving spouse within 30 days. The monthly payments begin effective December 1, 1997, except where entitlement is under paragraph 610302.B above, in which case entitlement begins effective October 1, 1999.

610402. Representative Payee. ACMSS payments due to a mentally incompetent, or otherwise legally disabled person for whom a guardian or other fiduciary has not been appointed may be paid to a representative payee, as Survivor Benefit Plan (SBP). See paragraph 460103 of this volume.

610403. Report of Existence (ROE) and Certificate of Continued Eligibility (COE). The procedures for ROE and COE on SBP annuity payments also apply to ACMSS payments.

610404. Debt Collection. Overpayments of annuity are subject to the same collection action as SBP. See [Chapter 29](#) and [Chapter 47](#) of this volume.

610405. Taxability. The taxability of ACMSS payments is similar to SBP annuity. See [Chapter 53](#) of this volume.

610406. Death of Annuitant. The annuity terminates the first day of the month in which the annuitant dies.

610407. Arrears of Annuity. Any amounts which are due and payable at the time of the annuitant's death may be paid in accordance with the provisions of section 3103. The unpaid annuity will only be paid upon receipt of a properly executed and documented claim, approved by the Secretary of the Service concerned (or designee).

610408. Remarriage. The annuity terminates the first day of the month in which the annuitant remarries.

6105 ANNUITY AMOUNT AND OFFSET

610501. Amount. The annuity to a qualified surviving spouse was initially established at \$165 per month. The amount is subject to the same cost-of-living adjustments and at the same time as military retired pay increases under 10 U.S.C. 1401a(b)(2). The first cost-of-living adjustment under 10 U.S.C. 1401a(b)(2) was effective December 1, 1997, as shown on Table 61-1. The provision for rounding monthly SBP annuity under 10 U.S.C. 1451(g)(2) is not applicable.

610502. Offset. The amount of annuity to which a surviving spouse is entitled under this section for any period shall be reduced (but not below zero) by any amount paid to the surviving spouse for the same period under any of the following provisions of law:

A. Chapter 73, 10 U.S.C. (Survivor Benefit Plan; Retired Serviceman's Family Protection Plan; and Reserve Component Survivor Benefit Plan).

B. Section 4 of Public Law 92-425 (Minimum Income Widow's benefit).

C. Section 1311(a), 38 U.S.C. (Dependency and Indemnity Compensation).

610503. Social Security Offset. The social security offset does not apply to this section.

6106 FUNDING

Annuities must be funded by the approving Military Service from operation and maintenance funds for the fiscal year in which the payment is made.

ACMSS ANNUITY AMOUNT		
Date of Increase	Percent	Amount
November 1, 1997		\$165.00
December 1, 1997	2.1	\$168.47
December 1, 1998	1.3	\$170.66
December 1, 1999	2.4	\$174.76
December 1, 2000	3.6	\$181.05
December 1, 2001	2.6	\$185.76
December 1, 2002	1.4	\$188.36
December 1, 2003	1.4	\$192.32
December 1, 2004	2.7	\$197.51
December 1, 2005	4.1	\$205.61

Table 61-1. Annuities for Certain Military Surviving Spouses Annuity Amount

ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES (ACMSS)

6101 - AUTHORITY FOR ANNUITIES FOR CENTER MILITARY SURVIVING SPOUSES (ACMSS)

	Public Law 105-85, section 644, November 18, 1997
	OASD/MPP Memo, May 6, 1998
	Public Law 106-65, section 656, October 5, 1999
	Public Law 107-314, section 634, December 2, 2002
610201.C	Public Law 106-65, section 656, October 5, 1999
610302.B	Public Law 106-65, section 656, October 5, 1999
	Public Law 107-314, section 634, December 2, 2002
Table 61-1	Public Law 105-85, Section 644, November 18, 1997
	OUSD (P&R) Memo, December 8, 2003
	OUSD (P&R) Memo, December 2, 2004
	OUSD (P&R) Memo, November 26, 2005