

VOLUME 7B, CHAPTER 61: “ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES (ACMSS)”

SUMMARY OF MAJOR CHANGES

All changes are 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 **October 2015** is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Revised to comply with current administrative instruction.	Revision
610101	Added “Purpose” section.	Addition
6102	Moved “Eligibility for Payment” from section 610102, renumbered text appropriately, and restructured for clarity.	Revision
610302	Restructured for clarity.	Revision
6104	Restructured for clarity.	Revision
Table 61-1	Updated amount for Annuities for Certain Military Surviving Spouses (ACMSS), effective December 1, 2015.	Revision
Bibliography	Updated memorandum listed.	Revision

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CHAPTER 61

ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES (ACMSS)

6101 GENERAL

*610101. Purpose

The purpose of this chapter is to provide guidance, policy, delegation of authority, and assignment of responsibilities, as they apply to Annuities for Certain Military Surviving Spouses (ACMSS).

610102. Authoritative Guidance

The bibliography at the end of this chapter lists the authoritative references.

*6102 ELIGIBILITY FOR PAYMENT

610201. General

Effective November 18, 1997, ACMSS was established under Public Law (P.L.) 105-85 to provide annuity payments to certain qualified surviving spouses.

610202. Payment

An annuity shall be paid to the qualified surviving spouse of each member of the uniformed services who [meets the criteria listed in paragraph 610401](#).

6103 ANNUITY APPLICATION

610301. General

An annuity application is required before payment will be made.

*610302. Application Procedure

A. [Application](#). A Department of Defense [\(DD\) Form 2769](#), Application for Annuity Certain Military Surviving Spouses, should be submitted to the Military Service concerned.

B. [Documentation](#). If information is unavailable from existing records, such as the Defense Enrollment Eligibility Reporting System (DEERS), the applicant may be required to submit the following documentation to the Military Service concerned:

1. Certified copies of the member's death certificate and/or marriage certificate;

- Duty;
2. DD Form 214, Certificate of Release or Discharge from Active Duty;
 3. Retirement order;
 4. Retired pay statement; and
 5. Any additional information needed to substantiate the claim.
- C. Review and Approval. The Military Service concerned will then:
1. Review the claim and determine whether the applicant is qualified for an ACMSS annuity;
 2. Notify the applicant on the disposition of the claim within 60 days; and
 3. Forward approved claims to the Defense Finance and Accounting Service (DFAS)-Cleveland Site for payment.

***6104 QUALIFIED SURVIVING SPOUSE AND DECEASED RETIRED MEMBER**

610401. Qualified Surviving Spouse

Only a surviving spouse who meets the following criteria qualifies for these annuity payments:

- A. A spouse who:
1. Is not qualified for an annuity under any other provision of chapter 73, title 10, United States Code;
 2. Is not entitled to an annuity under section 4 of Public Law 92-425 (Minimum Income Widow's benefit);
 3. Was married to a deceased retired member of a Uniformed Service, described in section 610402, at the time of such member's death and has never been remarried; and
- B. Who either:
1. Was married to the member at the time the member became eligible for retired pay; or
 2. 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.

610402. Deceased Retired Member

A deceased retired member for the purpose of this annuity is one who did not decline participation in the Survivor Benefit Plan (SBP) or Reserve Component (RC) SBP, and either:

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

B. Was a member of a Reserve component during the period beginning September 21, 1972, and ending October 1, 1978, and

1. Died before October 1, 1978, and

2. At the time of death he/she would have been entitled to retired pay under Title 10 United States Code (U.S.C), § 1331 (renumbered by P.L. 103-337, effective December 1, 1994 to 10 U.S.C. § 12731), but for the fact that he/she was under 60 years of age.

6105 PAYMENT OF ANNUITY

610501. Payment Effective Date

Payment to a qualified surviving spouse begins within 30 days upon receipt of a validated claim endorsed by the Military Service, DFAS-Cleveland Site. The monthly payments begin effective December 1, 1997, except where entitlement is under subparagraph 610402.B, in which case entitlement begins effective October 1, 1999.

610502. 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, the same as the Survivor Benefit Plan (SBP). See Chapter 46.

610503. Report of Existence (ROE) and Certificate of Eligibility (COE)

The procedures for ROE and COE on SBP annuity payments also apply to ACMSS payments. See Chapter 46.

610504. Debt Collection

Overpayments of annuity are subject to the same collection action as SBP. See Chapter 46.

610505. Taxability

The taxability of ACMSS payments is similar to an SBP annuity. See Chapter 46.

610506. Death of Annuitant

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

610507. Arrears of Annuity

Any amounts that are due and payable at the time of the annuitant's death may be paid in accordance with the provisions of Chapter 31. The unpaid annuity will only be paid upon receipt of a properly executed and documented claim, approved by the Secretary of the Military Department concerned (or designee).

610508. Remarriage

The annuity terminates the first day of the month in which the annuitant remarries, without regard to the age of the [annuitant](#).

6106 ANNUITY AMOUNT AND OFFSET

610601. 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. The first cost-of-living adjustment was effective December 1, 1997 as shown on Table 61-1. The provision for rounding monthly SBP annuity is not applicable.

610602. 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:

- A. Retired and Reserve Component SBP;
- B. Retired Serviceman's Family Protection Plan;
- C. Minimum Income Widow's benefit; or
- D. Dependency and Indemnity Compensation.

6107 FUNDING

The approving Military Service [must fund the annuities from operations and maintenance funds for the fiscal year in which the payment is made.](#)

*Table 61-1. 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	2.1	\$192.32
December 1, 2004	2.7	\$197.51
December 1, 2005	4.1	\$205.61
December 1, 2006	3.3	\$212.40
December 1, 2007	2.3	\$217.29
December 1, 2008	5.8	\$229.89
December 1, 2009	0	\$229.89
December 1, 2010	0	\$229.89
December 1, 2011	3.6	\$238.17
December 1, 2012	1.7	\$242.22
December 1, 2013	1.5	\$245.85
December 1, 2014	1.7	\$250.03
December 1, 2015	0	\$250.03

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6102 Eligibility for Payment

P.L. 105-85, section 644, November 18, 1997
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 Personnel Policy Memo, May 6, 1998
 P.L. 106-65, section 656, October 5, 1999
 P.L. 107-314, section 634, December 2, 2002
 10 U.S.C. § 1331
 10 U.S.C. § 12731

6103 Annuity Application

10 U.S.C. § 1448

6104 Definition of a Qualified Surviving Spouse and Deceased Retired Member

10 U.S.C. § 1448

610402.B P.L. 106-65, section 656, October 5, 1999
 P.L. 107-314, section 634, December 2, 2002

6106 Annuity Amount and Offset

610601 10 U.S.C. § 1401a
 10 U.S.C. § 1451
 610602.A 10 U.S.C. § 1431
 610602.B 10 U.S.C. § 1431
 610602.C P.L. 92-425, section 4, September 21, 1972
 610602.D 38 U.S.C. § 1311(a)

Table 61-1 P.L. 105-85, section 644, November 18, 1997
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