

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 [May 2019](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated hyperlinks and formatting to comply with current administrative instructions.	Revision
610102	Updated language for “Authoritative Guidance” to comply with new instructions.	Revision
610202	Deleted this paragraph since payment is addressed in section 6105.	Deletion
6103	Relocated from section 6104 to better align with common themes.	Revision
6104	Re-designated from section 6103.	Revision
Table 61-1	Updated table to include new annuity amounts effective December 1, 2020.	Revision
References	Updated to include the memorandum from the Office of the Assistant Secretary of Defense for the “Fiscal Year 2020 Adjustments to Military Retired and Retainer Pay, Annuities and Premiums.”	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 ACMSS.

***610102. Authoritative Guidance**

The pay policies and requirements established by DoD in this chapter are derived primarily from, and prepared in accordance with the United States Code (U.S.C.), including Title 10. 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 the reference section at the end of the chapter.

6102 ELIGIBILITY FOR PAYMENT

610201. General

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

***6103 QUALIFIED SURVIVING SPOUSE AND DECEASED RETIRED MEMBER**

610301. Qualified Surviving Spouse

Only an individual who meets the following criteria qualifies for these annuity payments.

A. Is a surviving spouse of a deceased retired member, as defined in paragraph 610302, who:

1. Was married to the retired member at the time the member became eligible for retired pay;

2. Had been married to the retired member for at least 1 year before the date of death; or

3. Is the parent of a child born of the marriage; and

B. Has not remarried.

610302. Deceased Retired Member

A deceased retired member for the purpose of this annuity is one who:

A. Became entitled to retired 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 retired pay under Title 10, United States Code (U.S.C.), Chapter 67 (renumbered to [10 U.S.C., Chapter 1223](#) by PL 103-337, effective December 1, 1994), but for the fact that he or she was under 60 years of age.

***6104 ANNUITY APPLICATION**

610401. General

An annuity application is required before payment will be made.

610402. Application Procedure

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

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

1. Certified copies of the retired member's death certificate and/or marriage certificate;
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 Cleveland site (DFAS-CL) for payment.

6105 PAYMENT OF ANNUITY

610501. Payment Effective Date

Payment to a qualified surviving spouse begins within 30 days upon receipt by DFAS-CL of a validated claim endorsed by the Military Service. The monthly payments begin not earlier than December 1, 1997, except where entitlement is under subparagraph 610302.B, in which case entitlement begins not earlier than 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 an 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 last day of the month before the date the annuitant dies. 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).

610507. 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 adjustment (COLA) and effective at the same time as military retired pay increases. The first COLA was effective December 1, 1997, as shown on Table 61-1. The annual [*COLA memorandums*](#) are published to the Military Pay and Benefits Website that is sponsored by the Office of the Under Secretary of Defense for Personnel and Readiness. 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 is 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 Widows Income-SBP; 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
 Table Revision Effective Date: December 1, 2021

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
December 1, 2016	0.3	\$250.78
December 1, 2017	2.0	\$255.80
December 1, 2018	2.8	\$262.96
December 1, 2019	1.6	\$267.17
December 1, 2020	1.3	\$270.64
December 1, 2021	5.9	\$286.61

*REFERENCES

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(ACMSS)

6102 Eligibility for Payment

10 U.S.C. § 1448, note, “Annuities for Certain
Military Surviving Spouses”
10 U.S.C., Chapter 1223
10 U.S.C. § 12731

6103 Qualified Surviving Spouse and Deceased Retired Member

10 U.S.C. § 1448, note, “Annuities for Certain
Military Surviving Spouses”
610301.A 10 U.S.C. § 1447(7)-(9)

6104 Annuity Application

10 U.S.C. § 1448, note, “Annuities for Certain
Military Surviving Spouses”

6105 Payment of Annuity

610501 Public Law (PL) 105-85, November 18, 1997
PL 106-65, October 5, 1999

6106 Annuity Amount and Offset

610601 10 U.S.C. § 1401a
610602.A 10 U.S.C., Chapter 73, Subchapter II
610602.B 10 U.S.C., Chapter 73, Subchapter I
610602.C PL 92-425, section 4, September 21, 1972
610602.D 38 U.S.C. § 1311

Table 61-1

PL 105-85, section 644, November 18, 1997
Office of the Undersecretary of Defense (OUSD),
Personnel and Readiness (P&R) Memorandum
(Memo), December 8, 2003
OUSD (P&R) Memo, November 9, 2007
OUSD (P&R) Memo, October 29, 2008
OUSD (P&R) Memo, November 17, 2009
OUSD (P&R) Memo, November 12, 2010
OUSD (P&R) Memo, November 22, 2011

REFERENCES (Continued)

Office of the Assistant Secretary of Defense
(OASD), Manpower and Reserve Affairs
(M&RA) Memo, November 8, 2012
OASD (M&RA) Memo, November 14, 2013
OASD (M&RA) Memo, November 13, 2014
OASD (M&RA) Memo, November 5, 2015
OASD (M&RA) Memo, November 21, 2016
OASD (M&RA) Memo, November 27, 2017
OASD (M&RA) Memo, November 01, 2018
OASD (M&RA) Memo, October 30, 2019
OASD (M&RA) Memo, November 4, 2019
[OASD \(M&RA\) Memo, November 4, 2020](#)
[OASD \(M&RA\) Memo, November 18, 2021](#)