

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

**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 [May 2019](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated hyperlinks and formatting to comply with current administrative instructions.	Revision
1.2 (610102)	Updated language for “Authoritative Guidance” to comply with new instructions.	Revision
2.2 (610202)	Deleted this paragraph since payment is addressed in section 6105.	Deletion
3.0 (6103)	Relocated from section 6104 to better align with common themes.	Revision
4.0 (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)**

## 1.0 GENERAL (6101)

## 1.1 Purpose (610101)

The purpose of this chapter is to provide guidance, policy, delegation of authority, and assignment of responsibilities, as they apply to ACMSS.

## \*1.2 Authoritative Guidance (610102)

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.

## 2.0 ELIGIBILITY FOR PAYMENT (6102)

## 2.1 General (610201)

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

## \*3.0 QUALIFIED SURVIVING SPOUSE AND DECEASED RETIRED MEMBER (6103)

## 3.1 Qualified Surviving Spouse (610301)

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

3.1.1. Is a surviving spouse of a deceased retired member, as defined in paragraph 3.2, who:

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

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

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

3.1.2. Has not remarried.

### 3.2 Deceased Retired Member (610302)

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

3.2.1. 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

3.2.2. 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.

### \*4.0 ANNUITY APPLICATION (6104)

#### 4.1 General (610401)

An annuity application is required before payment will be made.

#### 4.2 Application Procedure (610402)

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

4.2.2. 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:

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

4.2.2.2. DD [Form 214](#), Certificate of Release or Discharge from Active Duty;

4.2.2.3. Retirement order;

4.2.2.4. Retired pay statement; and

4.2.2.5. Any additional information needed to substantiate the claim.

4.2.3. Review and Approval. The Military Service concerned will then:

4.2.3.1. Review the claim and determine whether the applicant is qualified for an ACMSS annuity;

4.2.3.2. Notify the applicant on the disposition of the claim within 60 days; and

42.3.3. Forward approved claims to the Defense Finance and Accounting Service Cleveland site (DFAS-CL) for payment.

## 5.0 PAYMENT OF ANNUITY (6105)

### 5.1 Payment Effective Date (610501)

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.

### 5.2 Representative Payee (610502)

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.

### 5.3 Report of Existence (ROE) and Certificate of Eligibility (COE) (610503)

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

### 5.4 Debt Collection (610504)

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

### 5.5 Taxability (610505)

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

### 5.6 Death of Annuitant (610506)

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).

### 5.7 Remarriage (610507)

The annuity terminates the first day of the month in which the annuitant remarries, without regard to the age of the annuitant.

## 6.0 ANNUITY AMOUNT AND OFFSET (6106)

### 6.1 Amount (610601)

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.

### 6.2 Offset (610602)

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:

- 6.2.1. Retired and Reserve Component SBP;
- 6.2.2. Retired Serviceman's Family Protection Plan;
- 6.2.3. Minimum Widows Income-SBP; or
- 6.2.4. Dependency and Indemnity Compensation.

## 7.0 FUNDING (6107)

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

<b>Date of Increase</b>	<b>Percent</b>	<b>Amount</b>
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

**CHAPTER 61 – ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES (ACMSS)**

## 2.0 Eligibility for Payment (6102)

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

## 3.0 Qualified Surviving Spouse and Deceased Retired Member (6103)

10 U.S.C. § 1448, note, “Annuities for Certain  
Military Surviving Spouses”  
3.1.1 10 U.S.C. § 1447(7)-(9)

## 4.0 Annuity Application (6104)

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

## 5.0 Payment of Annuity (6105)

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

## 6.0 Annuity Amount and Offset (6106)

6.1 10 U.S.C. § 1401a  
6.2.1 10 U.S.C., Chapter 73, Subchapter II  
6.2.2 10 U.S.C., Chapter 73, Subchapter I  
6.2.3 PL 92-425, section 4, September 21, 1972  
6.2.4 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](#)