

Did You Know?

(By: **Raymond P. Toczek, Legion Service Officer**)

312-980-4264

Raymond.Toczek@va.gov

That one of the pillars of the American Legion is Veterans Affairs and Rehabilitation, also known as VA&R. Most of our comrades believe that our main mission is to assist veterans in receiving their maximum Department of Veterans Affairs benefits with the earliest effective date possible. While that is entirely true we also assist in obtaining benefits for the survivors of veterans. As President Lincoln stated at his second inaugural address, the mission of our country should be “***to care for him who shall have borne the battle and for his widow and his orphan***”.

How does the VA&R Chicago office accomplish this? One of the most important survivor benefit programs administered by the VA is called Dependency Indemnity Compensation, known by its acronym of D.I.C. If granted this monthly tax free benefit starts at \$1,154 and depending on certain factors can be much higher. It is a lifetime benefit unless the surviving spouse remarries before they turn 57. Once they become 57 they are free to remarry and keep their DIC payments. So how does one qualify for this important benefit?

- 1) if the service member dies while on active duty or during active duty for training. It doesn't have to be in direct combat. The soldier could have died in a stateside vehicle accident on base, during a weekend drill meeting of his or her National Guard unit, or while on official leave from their unit.
- 2) if the veteran's death resulted from a service-related injury, illness or disease. For instance a veteran has Agent Orange related lung cancer which is discovered too late and they die from it. Or a veteran has hypertension which is under control with medication, has a flare up and dies of a heart attack. Or the service-connected diabetic suddenly goes into a diabetic coma and transpires. This D.I.C. benefit also includes situations where the service-related condition didn't actually cause the death but was a contributing factor. For instance, a veteran suffers from a bad right knee. Surgery has helped but he still is in pain and the leg will give out unexpectedly. One day he is on a ladder painting his house, the right leg gives out, he falls and dies. The widow could get the benefit. Or a veteran is almost stone deaf from artillery fire during the Korean War. After looking both ways he starts to cross an intersection. Unbeknownst to him a vehicle is making a quick turn on

the red light. The driver honks his horn repeatedly but that sound falls on deaf ears (pun intended for emphasis). The veteran is killed. The widow would qualify.

3) if the veteran was rated 100% service-connected disabled for at least ten years and **their death resulted from a non service-related injury or disease.** Or if the veteran was rated 100% since release from active duty and for at least five year immediately preceding death. Finally if a former Prisoner-of-War is rated 100% for only one year then this provision applies. This benefit includes those veterans rated at the 100% rate due to individual unemployability. As an example a veteran is rated 100% due to his or her P.T.S.D. They have had this rating for over ten years. They are involved in a fatal car crash. The surviving spouse can get D.I.C.

Some important things to remember. Minor or school age children can also qualify for this benefit. The veteran need not have been legally married or may have been married multiple times. For example, Mr. Joe Veteran marries, has two children and then gets divorced. He remarries, fathers two more children and divorces. He then has a child out-of-wedlock. Finally he remarries and is childless by his third wife and then dies of a service-related illness. All five children can apply for D.I.C. as well as his third wife. I am not making this up; we actually had a case similar to this one.

In closing there is one final and unique feature of this benefit. If the VA law changes current surviving spouses can apply and sometimes be eligible even though their spouses may have died ten or twenty years ago. A classic scenario would be the recent law changes regarding Agent Orange and lung cancer, prostate cancer or diabetes. The veteran may have died in the 1980's or early 1990's when the law was not in effect. If your post can locate their spouse they can apply now and possibly be eligible.

As always your VA&R staff at the Chicago office is there to assist you with these types of claims. Please contact us at the telephone number or e-mail address shown above.