

Remarriage Guide



Remarriage Guide

The decision to marry is one of life's great commitments. For military surviving spouses contemplating remarriage, the decision to say "I do" is complicated by many possible changes to their military benefits and survivor programs. Before you leap, it's important to make yourself aware of the benefits and programs you're now entitled to — and how they will change if you decide to remarry.

We hope you find this booklet a valuable reference. Call MOAA's Benefits Information and Financial Education Department at (800) 234-MOAA (6622) or write to MOAA, Attn: Benefits Information and Financial Education, 201 N. Washington St., Alexandria, VA 22314, if you have questions.

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Introduction

For most people, the decision to marry isn't driven solely by financial benefits. But for surviving spouses of servicemembers, remarriage can be a disqualifier for eligibility for military benefits and programs.

The philosophy underlying all military benefits — as well as Social Security — can be summarized as: A surviving spouse is entitled to benefits he or she enjoyed while his or her spouse was alive — as long as the surviving spouse does *not* remarry (some benefits are unaffected if the remarriage occurs after a certain age). The rationale is remarriage obviates the need for survivor benefits and, in effect, ends an agreement in place under the first marriage.

Whether or not you agree with the “remarriage penalty,” the reality is you might find yourself ineligible for many programs and benefits after you remarry, especially if you remarry prior to age 60. This publication will help you understand what benefits you are entitled to as a surviving spouse and what changes you can expect after you remarry.

Military Benefits

When a servicemember dies while on active duty, his or her surviving spouse remains eligible for all benefits previously authorized, including TRICARE and TRICARE For Life (TFL), as well as commissary and exchange privileges. Not retained is eligibility for space-available travel on military aircraft.

The same policy applies to survivors of:

- non-active duty personnel who had qualified for retirement;
- gray-area reservists who were eligible for military retirement and were age 60 or older at the time of death;
- reservists on duty for 30 days or less*; and
- active or inactive duty personnel who are on training or en route to and from training*.

Effect of Remarriage: A surviving spouse forfeits all military benefits if he or she remarries. If the new marriage ends in divorce or death, benefits will be reinstated except for TRICARE and TFL. If the new marriage is annulled, TRICARE and TFL also can be reinstated.

If you remarry a military member, you forfeit all benefits associated with your prior spouse, while becoming eligible for benefits associated with your new spouse. Should your new spouse die, you remain eligible for all benefits including TRICARE and TFL. In the event of divorce, your eligibility for military benefits reverts to your eligibility based on your first spouse and excludes TRICARE and TFL.

**Eligible for TRICARE benefits only if married after Sept. 30, 1985.*

Survivor Benefit Plan

The Survivor Benefit Plan (SBP) is a voluntary program that allows eligible military personnel to leave a portion of their retirement pay to their eligible beneficiaries. If your spouse elected to participate in SBP and named you as a beneficiary, eligibility for the annuity begins the date after your spouse's death and payment of the annuity commences approximately 60 days after the date of death. You should contact the Defense Finance and Accounting Service (DFAS) in Cleveland at (800) 321-1080 or your service's financial center as soon as possible after your spouse's death to notify them of your claim.

Effect of Remarriage: In the event of remarriage, your eligibility for SBP depends on your age on the date of marriage. If you remarry before age 55, SBP payments are suspended (though they will be reinstated if the new marriage ends in death or divorce). If you remarry after the age of 55, your SBP benefits continue uninterrupted.

If you are a retired servicemember and choose to remarry, you must notify DFAS of your marriage prior to your first anniversary. SBP then will become effective on the first anniversary of the marriage, at which time DFAS will start collecting premiums.

When a servicemember decides to remarry, three SBP options are available:

- resume the prior level of coverage;
- elect *not* to resume spousal coverage; or
- if the original election was for reduced coverage, the retiree may request the base amount be increased up to and including full retirement pay. If this option is elected, the retiree must pay DFAS the difference between the SBP cost previously paid, if the higher level of coverage had been elected originally. This additional payment must be completed prior to the first anniversary of marriage, or the election is null and void and spouse coverage will be reinstated at the previous level. If partial payment has been made on the amount due for increased coverage, a refund of the partial payment will be made.

If, however, you decided upon retirement to decline SBP spouse coverage, you cannot enroll later in the plan on behalf of that spouse or any other spouse after retirement, unless through a congressionally authorized open enrollment period. If you are not married upon retirement and therefore decline SBP spouse coverage but later marry, you may notify DFAS of your marriage prior to your first anniversary to enroll your spouse in SBP.

*Note: Additional information on SBP can be found in MOAA's publication **Survivor Benefit Plan: Security for Your Survivors.***



Reserve Component Survivor Benefit Plan

The Reserve Component Survivor Benefit Plan (RCSBP) provides an opportunity for reservists who have completed 20 years of qualifying service and received a notice of eligibility for retired pay to give their families coverage similar to the Survivor Benefit Plan. Reservists have three options when choosing RCSBP. Options A and B require spousal concurrence.

Option A: Decline to Make an Election Until Age 60

Reservists who choose not to participate in the plan at this time will be given another opportunity to enroll in RCSBP when they reach age 60. If the reservist dies before age 60, surviving spouses are ineligible to receive RCSBP.

Option B: Deferred Annuity

Option B provides RCSBP coverage beginning on the reservist's 60th birthday. If the reservist dies before age 60, the surviving spouse would receive RCSBP starting from the day the reservist would have turned 60.

Option C: Immediate Annuity

Option C provides RCSBP coverage for an annuity to being immediately upon the death of the reservist, without age restrictions.

While Option C provides the most comprehensive coverage, the cost of each option varies, so it's important to weigh the pros and cons of each option before making a final decision.

Upon the death of an eligible reservist, his or her surviving spouse should contact the Defense Finance and Accounting Service in Cleveland at (800) 321-1080 or his or her service's financial center. The RCSBP annuity commences on the date when the reservist would have turned 60 (Option B) or on the date of death (Option C).

Effect of Remarriage: In the event of remarriage, your eligibility for RCSBP depends on your age on the date of the marriage. If you remarry before age 55, RCSBP payments are suspended (though they will be reinstated if the new marriage ends in death or divorce). If you remarry after the age of 55, your RCSBP benefits continue uninterrupted.

Dependency and Indemnity Compensation

The VA pays a benefit called Dependency and Indemnity Compensation (DIC) to a surviving spouse and dependent children if a military member dies of a service-connected cause. This includes deaths while on active duty or due to an injury or disease contracted while a servicemember was on active duty.

If a servicemember has an indication of a service-connected disability, he or she should arrange for a VA evaluation at the time of retirement. It is important any kind of service-connected condition be made a matter of record.

A total service-connected disability for VA purposes requires a veteran be rated by the VA 100-percent statutorily or be authorized by the VA to draw compensation at the 100-percent rate, if deemed unemployable.

For a surviving spouse to be eligible for DIC, he or she must meet one of the following criteria:

- have been married to the servicemember before Jan. 1, 1957;
- have been married to a servicemember who died on active duty;
- have married the veteran within 15 years of discharge from the period of military service in which the disease or injury that caused the veteran's death began or was aggravated;
- have been married to the veteran for at least one year; or
- have had a child with the veteran *and* have cohabitated with the veteran continuously until the veteran's death or, if separated, was not at fault for the separation *and* currently is not remarried.

To receive DIC, you must apply to the VA. The VA needs to determine whether the death was service-connected before awarding DIC.

Effect of Remarriage: Before Dec. 16, 2003, DIC annuity payments were suspended if you remarried before age 57, though they were reinstated if the remarriage ended in death or divorce. Now, if you remarry at age 57 or later, DIC benefits are unaffected.

DIC Benefits

The Dependency and Indemnity Compensation (DIC) amount paid to survivors of veterans who died on or after Jan. 1, 1993, is \$1,257 in 2017. For the most recent payment tables, or for payment tables for veterans who died prior to Jan. 1, 1993, visit: www.benefits.va.gov/compensation/current_rates_dic.asp.

DIC and Survivor Benefit Plan (SBP)

If you are entitled to both DIC and SBP, the amount of your SBP annuity is offset dollar-for-dollar by the DIC benefit. However, a partial restoration of the offset amount automatically is made as part of a Special Survivor Indemnity Allowance (SSIA). The SSIA payment is \$310 in 2017.

Note: If you apply for DIC within one year of your spouse's death and you are approved, you will receive a refund of SBP premiums paid, based on the percentage of SBP offset by DIC. For example, if DIC will offset SBP by 40 percent, you will receive a refund of 40 percent of all the SBP premiums paid by the servicemember. The refund is in the form of a lump-sum payment and is taxable.

Effect of Remarriage: If you remarry prior to age 55, both SBP and DIC payments are suspended. But if the new marriage ends in death or divorce, both annuities are reinstated, though SBP will be offset by DIC. If you remarry at age 55 or later, SBP is unaffected, but DIC payments are suspended. If you remarry at age 57 or later, your eligibility for SBP and DIC is unaffected.

Social Security

Social Security benefits transfer to the surviving spouse, and payment begins once the spouse reaches retirement age as long as the surviving spouse was married to the deceased for at least nine months prior to the death of the wage earner.* Surviving divorced spouses must have been married to the worker for at least 10 years immediately before the date the final divorce became effective. To receive the maximum amount, spouses must wait until they reach full retirement age, which ranges from age 65 to 67, depending on their birth year. Survivors may elect to receive reduced benefits starting as early as age 60. A disabled surviving spouse may receive benefits as early as age 50, and a surviving spouse at any age is eligible for Social Security benefits if he or she cares for a deceased spouse's child who is under age 16 or disabled.

The amount you receive is a percentage of your spouse's basic Social Security benefit that varies according to your age. If you are

- full retirement age or older, you receive 100 percent;
- age 60 to 64, you receive between 71 and 84 percent; or
- a surviving spouse at any age with a child under age 16, you receive 75 percent.

Note: You can't receive dual Social Security benefits. If you also qualify for Social Security on your own work record, you may elect to receive your spouse's benefits until you reach full retirement age and then switch to your own. In either case, you will receive the higher of the two benefits but not both.

**The nine-month duration-of-marriage requirement is waived if the insured person's death was accidental or if it occurred in the line of duty while he or she was a member of a uniformed service serving on active duty.*

Effect of Remarriage: If you remarry prior to age 60 (age 50, if disabled), you become ineligible to receive your late spouse's Social Security benefits. If the new marriage ends due to death, divorce, or annulment, your eligibility is reinstated. If you remarry after age 60 (age 50, if disabled) the marriage has no effect on your eligibility for Social Security benefits.

Form for Social Security Benefits. Includes fields for: (Sponsor's SSN), First Name, Middle Initial, STATE, TELEPHONE (Include Area Code), Name, First Name, Middle Initial, 3. PATIENT'S BIRTH DATE (MM, DD, YY), GROUP HEALTH PLAN (SSN or ID), SEX (M, F), 6. RELATIONSHIP TO INSURED (Self, Spouse, Child, Other), 8. PATIENT STATUS (Single, Married, Other), 10. IS PATIENT'S CONDITION RELATED TO: a. EMPLOYMENT? (CURRENT OR PREVIOUS) YES/NO, PLACE (State), 4. INSURED'S NAME (Last N), 7. INSURED'S ADDRESS (CITY, ZIP CODE), 11. INSU, a. I.

Social Security Benefits

CHAMPVA

If you remarry and no longer qualify for TRICARE, you might be eligible for the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA), a health benefits program in which the VA shares the cost of certain health care services and supplies.

CHAMPVA provides coverage to the surviving spouse and to the children of a veteran who:

- is rated permanently and totally disabled because of a service-connected disability;
- was rated permanently and totally disabled because a service-connected condition at the time of death;
- died of a service-connected disability; or
- died on active duty and the dependents are not eligible for DoD TRICARE benefits.

Effect of Remarriage: If you remarry prior to age 55, you lose eligibility for CHAMPVA. However, eligibility will be restored in the case of death or divorce, beginning on the first day of the month after the new marriage ends. If you remarry after age 55, eligibility for CHAMPVA is unaffected.

Note: The eligibility of a child for CHAMPVA is not affected by the divorce or remarriage of the spouse except in the case of a stepchild. When a stepchild leaves the sponsor's household, the child is no longer eligible for CHAMPVA.

Dependents’ Educational Assistance

Dependents’ Educational Assistance (DEA) provides education and training opportunities to eligible dependents of certain veterans. The program offers up to 45 months of education benefits. These benefits may be used for degree and certificate programs, apprenticeships, and on-the-job training. If you are a spouse, you may take a correspondence course. Remedial, deficiency, and refresher courses might be approved under certain circumstances.

To be eligible, you must be a spouse or child (including stepchild or adopted child), of a:

- veteran who is permanently and totally disabled as the result of, or who died of, a service-connected disability. The disability must arise out of active service in the armed forces with a permanent and total service-connected disability or death from any cause; or
- servicemember who is missing in action or has been captured in the line of duty and currently is being held by a foreign government power. DEA benefits expire 10 years after the date of death or the date upon which the VA determines the surviving spouse is eligible.

Effects of Remarriage: If you remarry prior to age 57, you lose eligibility for DEA benefits. Benefits can be reinstated if the new marriage occurred after Nov. 30, 1999, and ends in death or divorce. If you remarried between Oct. 3, 1990, and Nov. 30, 1999, benefits cannot be reinstated. If you remarry after age 57, eligibility for DEA benefits is unaffected.

VA Home Loans

The main purpose of the VA home loan program is to help veterans finance the purchase of homes with favorable loan terms and competitive interest rates. Surviving spouses are eligible for VA home loans if they meet the following criteria:

- They are the spouse of a veteran who died while in service or from a service-connected disability; or
- they are the spouse of a servicemember who is missing in action or is a prisoner of war.

Effect of Remarriage: If you have not previously applied for a VA home loan and remarry prior to age 57, you're ineligible for a VA home loan. However, if the new marriage ends due to divorce, death, or annulment, eligibility is reinstated. If you remarry after age 57, you remain eligible for a VA home loan.

Death Pensions

Surviving spouses and unmarried children of deceased veterans with wartime service might be eligible for a pension based on need. Spouses must not have remarried and children must be under age 18, or under age 23 if attending a VA-approved school. Pension is not payable to those with estates large enough to provide maintenance.

A surviving spouse who is a patient in a nursing home, in need of the regular aid and attendance of another person, or permanently housebound might be entitled to higher income limitations or additional benefits.

Additional information on death pensions can be found at www.va.gov.

Checklists

Remarriage Checklist for Military Surviving Spouses Marrying a Servicemember

- Get military ID card from nearest Defense Enrollment Eligibility Reporting System facility.
- Make Survivor Benefit Plan decision with spouse; must be completed prior to first anniversary of marriage.
- Mail copy of marriage license to retired pay center.
- Update beneficiary information for spouse's Veterans' Group Life Insurance or other life insurance policies
- Update beneficiary information for arrears of pay at spouse's pay or retired pay center.
- Update beneficiary information for Thrift Savings Plan, 401(k) plan, IRAs, and other civilian retirement accounts.
- If spouse receives VA benefits, ensure spouse notifies the VA of new marriage; marriage can increase the benefit amount to the "with spouse" rate.
- Update estate-planning documents (e.g., will, durable power of attorney, medical directive, etcetera).
- Review and elect TRICARE health care options; if electing TRICARE, notify previous health insurance provider.
- If spouse receives VA benefits, ensure spouse notifies VA of new marriage; marriage can increase the benefit amount to the "with spouse" rate.

Remarriage Checklist for Military Surviving Spouses Marrying a Civilian

- Turn in military ID card at nearest military base or Defense Enrollment Eligibility Reporting System office.
- Mail copy of marriage license to retired pay center.
- Update beneficiary information for Thrift Savings Plan, 401(k) plan, IRAs, and other civilian retirement accounts.
- If spouse receives VA benefits, ensure spouse notifies VA of new marriage; marriage can increase the benefit amount to the "with spouse" rate.
- If eligible for Dependency and Indemnity Compensation, review the CHAMPVA option.
- Update estate-planning documents (e.g., will, durable power of attorney, medical directive, etcetera).
- Review non-TRICARE health care options.
- If over age 65, elect Medicare Part D option within 63-days of remarriage.

Marriage or Remarriage Checklist for Military Retirees

- Mail copy of marriage license to retired pay center.
- Make Survivor Benefit Plan (SBP) decision and notify retired pay center; if not completed prior to

first anniversary, retired pay center is required to make a default election of full SBP for new spouse.

- Get new spouse an ID card from nearest Defense Enrollment Eligibility Reporting System facility.
- Update beneficiary information for Veterans' Group Life Insurance or other life insurance policies.
- Update beneficiary information for arrears of pay.
- Update beneficiary information for 401(k) plan, IRAs, and other civilian retirement accounts.
- If receiving VA benefits, notify the VA of new marriage; marriage can increase the benefit amount to the "with spouse" rate.
- Update estate-planning documents (e.g., will, durable power of attorney, medical directive, etcetera).
- Review and elect TRICARE option for spouse.

Marriage Checklist for Servicemembers

- Notify unit command.
- Deliver copy of marriage license.
- Get spouse an ID card from nearest Defense Enrollment Eligibility Reporting System facility.
- Update beneficiary information for Servicemembers' Group Life Insurance.

- Update beneficiary information for arrears of pay.
- Update beneficiary information for Thrift Savings Plan account.
- Update emergency data information.
- Update estate-planning documents (e.g., will, durable power of attorney, medical directive, etcetera).
- Review and elect TRICARE option for spouse.
- Review and elect Survivor Benefit Plan option on notice of eligibility for currently drilling guardmembers and reservists.



Prepared by the
Benefits Information and Financial Education Department
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