

TRAINING MODULE 9

Study Plan Burial Benefits

Objective:

To learn what benefits are available for the funeral, transportation, and interment of a deceased veteran, and what the requirements are for eligibility to such benefits. To learn the requirements for burial in a National Cemetery.

References:

Title 38, U. S. Code, Chapters 23 and 24

38 Code of Federal Regulations § 1.10; §§ 1.601–1.633; §§ 3.1600–3.1612.

Adjudication Manual 21-1, Part III, Chapter 13

Adjudication Manual M21-1MR (Manual Rewrite), Part 7

VA Pamphlet 80-04-1 (*Federal Benefits for Veterans and Dependents*)

Instructions:

Study the assigned reference materials to learn how to assist the survivors of a deceased veteran in applying for burial benefits, for burial in a National Cemetery, and for other honors due a veteran at time of death.

Summary:

The Department of Veterans Affairs (VA) will pay a burial allowance on behalf of any deceased veteran who dies as the result of a service-related disability. If the veteran's death is not related to service or to a service-connected disability, VA will pay a lesser amount for a veteran who meets *any* of the following requirements:

- The veteran was in receipt of compensation or pension, or would have been entitled to receive compensation or pension but for receipt of military retired pay; or
- At the time of death, the veteran had a claim pending for compensation or pension which would have entitled him or her to payment but for his or her death; or
- The veteran served during a wartime period and the body is unclaimed; or
- The veteran died while hospitalized by VA or while receiving care at a non-VA facility under VA contract; or
- The veteran died while traveling under VA authorization and expense to or from a specified place for examination, treatment, or care; or
- The veteran died while a patient at an approved state nursing home.

If eligibility is based on a claim pending at the time of death, then the same rule applies as for claims for accrued benefits based on a pending claim at the time of death, namely that all of the evidence necessary for a favorable decision must have been in file (as defined) on the date of the veteran's death.

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There is one other requirement, as well: entitlement to the pending benefit must be from a month earlier than the month of death (otherwise, the veteran would not be "entitled to receive" compensation or pension for the month of death).

If the death is not service-connected, veterans who first entered service after September 1980 (enlisted) or October 1981 (officers) are subject to the minimum active duty service requirement.

A plot or interment allowance may also be payable for a veteran whose death is not service-connected and who:

- Served during a wartime period and the body is unclaimed; or
- Was in receipt of compensation or pension; or
- Would have been entitled to receive compensation or pension but for receipt of military retired pay; or
- Was discharged from service because of a disability incurred or aggravated in the line of duty (whether or not service connection was ever established by VA for that condition); or
- Was properly hospitalized by VA or at VA expenses;

And who is not buried in a National Cemetery.

Under certain conditions VA will also pay an allowance for the costs of transporting the veteran's body from the place of death to the place of burial or interment: If the veteran died on or after September 11, 2001 and the death is service-connected, the burial allowance payable is the total cost of the funeral, burial and transportation of the veteran's body from the place of death to the place of burial or interment, or \$2,000, whichever is less.

If the veteran's death is not service-connected, the basic burial allowance is \$300. If the veteran meets the requirements for the plot or interment allowance and the death occurred on or after December 1, 2001, the plot allowance is \$300. If the veteran died before December 1, 2001, the plot allowance is \$150.

When the death is not service-connected, under certain conditions VA will also pay for the costs of transporting the veteran's body from the place of death to the place of burial or interment. If the veteran is to be buried in a National Cemetery and was either in receipt of compensation, or would have been entitled to receive compensation but for receipt of military retired pay or disability pension (as a greater benefit), the cost of transporting the veteran's body to the nearest National Cemetery having space is payable. [38 CFR § 3.1600(g)] If the veteran dies while hospitalized by VA or at VA expense, or dies while traveling under VA authorization, or dies in an approved state nursing home, the cost of transporting the veteran's body from the place of death to the place of burial or interment may also be paid.

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If a person who is not a veteran dies while properly hospitalized by VA, the nonservice-connected burial allowance plus the cost of transporting the body to the place of burial or interment is payable. The plot allowance is not payable, however.

There is no time limit for filing a service-connected burial claim; or for claiming the allowance for transporting a veteran's body from a VA (or VA-contracted) hospital to the place of burial or interment; or for claiming the allowance for transporting the veteran's body to a National Cemetery for burial. For deaths which are not service-connected, the time limit for submitting a claim for burial and/or plot allowance is two years after the date of final permanent burial or interment. If the burial allowance could not be paid at the time of the veteran's death because of the character of the veteran's discharge and the discharge is subsequently corrected or upgraded so that benefits would now be payable, the claim for burial allowance must be filed within two years from the date of correction of the veteran's discharge.

The order of precedence of claimant(s) for burial, plot and transportation allowance is:

1. The funeral director, if any portion of the funeral bill is unpaid;
2. The person or entity from whom the plot was purchased or who provided interment services (if other than the funeral director), if any portion of the bill for such is unpaid;
3. The person whose personal funds were used to pay the expenses of the funeral, transportation, or burial; or
4. The administrator or executor of the veteran's estate or the estate of the person who paid the expenses of the veteran's burial or provided such services.

The application and evidentiary requirements for burial allowance are:

- A completed VA Form 21-530, *Application for Burial Benefits*, signed by the proper claimant *and* by the person who authorized the services (if not the same person);
- A death certificate or other acceptable proof of death;
- Proof of the veteran's service, if not already of record.
- A statement of account on the billhead (invoice) of the funeral director or cemetery owner, showing the deceased veteran's name, the plot or interment costs, the nature and costs of the services rendered, and the remaining unpaid balance (if any); and
- Receipted bills showing by whom payment was made and by whom it was received on behalf of the funeral director and/or cemetery owner.

If the veteran was indigent or the body is unclaimed, there must also be a written certification, signed by a responsible official (usually the Public Guardian/Public Administrator) of the state or subdivision (county) where the body is held, that the veteran had no next of kin or other person to claim the body and that the veteran's estate does not have sufficient funds to cover the expenses of the funeral and burial.

Persons eligible for burial in the National Cemetery include service members who die on active duty and veterans who meet applicable duty requirements and who were discharged under honorable conditions.

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Veterans who first entered service after September 1980 [enlisted personnel] or October 1981 [officers] are subject to minimum active duty service requirements.

Other eligible persons include Reservists who are entitled to retired pay based on 20 or more years of creditable service with a Reserve component; Reservists and members of the National Guard who die as the result of disease or injury incurred or aggravated in line of duty during active duty for training or inactive duty training, or who die while being treated for such a disease or injury, or who die while traveling to or from authorized training; and commissioned officers of the National Oceanic and Atmospheric Administration and the U.S. Public Health Service and members of the Reserve Officers Training Corps (ROTC) whose death occurs under specified conditions. World War II Merchant Mariners and U.S. citizens who served honorably in the armed forces of an Allied country during a wartime period are also eligible for burial in a National Cemetery, as well as any other persons or classes of persons designated by either the Secretary of Veterans Affairs or the Secretary of the Air Force.

Finally, the spouse or surviving spouse of an eligible person may be buried in a National Cemetery, even if the eligible person is not buried or memorialized there. The dependent minor children, the unmarried adult children (up to age 23) who are attending an approved school, and the unmarried adult disabled children of an eligible person are also eligible for burial in a National Cemetery.

Beginning December 16, 2003, remarriage (at any age) no longer disqualifies a surviving spouse from eligibility for burial in a National Cemetery (previously, the surviving spouse's eligibility could be restored if the remarriage were terminated by death or divorce).

Persons convicted of a capital crime under either federal or state laws may not be buried or memorialized in a National Cemetery.

VA does not provide military funeral honors. If requested by the veteran's family, the Department of Defense will provide a funeral honor guard detail of not less than two members, at least one of whom will be from the veteran's branch of service. The honors ceremony will include, at a minimum, the folding and presentation of the American flag to the family plus the playing of "Taps," either by a bugler or a recording. Military funeral honors are not restricted to services in National Cemeteries. In some localities, the funeral honor guard may be provided by local veterans' service organization volunteers.

VA will provide a headstone or grave marker for veterans buried anywhere in the world, and for eligible dependants of veterans buried in National Cemeteries, state veterans' cemeteries, or military post cemeteries (but no private cemeteries). The style and type of marker furnished will depend on the rules of the particular cemetery. Niche markers are also available for identifying cremated remains in a columbarium. The headstone or marker will generally contain the name of the deceased, the year of birth and death and (for the veteran) the branch of service.

Optionally, the headstone or marker may also be inscribed with the deceased veteran's military grade, rank or rate, complete dates of birth and death, an appropriate religious emblem, and a listing of any awards for valor.

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If the burial is in a National Cemetery, a state veterans' cemetery, or a military post cemetery, the headstone or marker is ordered through the cemetery, which will place it on the gravesite. If the burial is in any other cemetery, the headstone or marker must be ordered from VA by completing VA Form 40-1330, *Application for Standard Government Headstone or Marker for Installation in a Private or State Veterans' Cemetery*, and sending it to:

Memorial Programs Service (41A1)
Department of Veterans Affairs
5109 Russell Road
Quantico, VA 22134-3903
Or

FAX applications and supporting documents to **1-800-455-7143**.

The headstone or marker will be shipped at Government expense; however, VA does not pay the cost of placing it. There is no time limit for ordering a headstone or marker. For veterans who died after December 27, 2001 and who are buried in a private cemetery, VA will furnish an appropriate grave marker even if the grave is already marked with a non-government marker.

VA will provide an American flag to cover the casket of a veteran or eligible Reservist (only). This may be requested by the funeral director or by the next of kin or next friend of the deceased. VA Form 21-2009, *Application for United States Flag for Burial Purposes*, may be submitted to VA Regional Office, to the National Cemetery office, or to designated US Post Offices.

SEC. 517. FURNISHING OF BURIAL FLAGS FOR DECEASED MEMBERS AND FORMER MEMBERS OF THE SELECTED RESERVE.

Section 2301 of title 38, United States Code, is amended by adding at the end the following new subsection:
(f)(1) The Secretary shall furnish a flag to drape the casket of each deceased member or former member of the Selected Reserve (as described in section 10143 of title 10) who is not otherwise eligible for a flag under this section or section 1482(a) of title 10--

(A) who completed at least one enlistment as a member of the Selected Reserve or, in the case of an officer, completed the period of initial obligated service as a member of the Selected Reserve;

(B) who was discharged before completion of the person's initial enlistment as a member of the Selected Reserve or, in the case of an officer, period of initial obligated service as a member of the Selected Reserve, for a disability incurred or aggravated in line of duty; or

(C) who died while a member of the Selected Reserve.

(2) A flag may not be furnished under subparagraphs (A) or (B) of paragraph (1) in the case of a person whose last discharge from service in the Armed Forces was under conditions less favorable than honorable.

(3) After the burial, a flag furnished under paragraph (1) shall be given to the next of kin or to such other person as the Secretary considers appropriate.'

The Presidential Memorial Certificate Program was initiated in March 1962 by President John F. Kennedy to honor the memory of honorably discharged, deceased veterans and may be issued to the families or other loved ones of any honorably discharged deceased veteran.

The DVA administers the program by preparing the certificate that bears the President's signature and expresses the country's grateful recognition of the veteran's service in the United States Armed Forces.

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This may be obtained by applying to any VA Regional Office or by mailing a request to:

Presidential Memorial Certificates (41A1C)
U. S. Department of Veterans Affairs
5109 Russell Road
Quantico, VA 22134-3903

With proof of the veteran's honorable discharge from service. There is no longer a specific form required to apply for the Presidential Memorial Certificate, but the former VA Form 40-0247, *Application for Presidential Memorial Certificate*, may continue to be used. There is no time limit for requesting a Presidential Memorial Certificate.

For submitting requests electronically, please contact (202) 565-4964 or (202) 501-2004

E-Mail: pmc@mail.va.gov

Web Address: www.arlingtoncemetery.org/funeral_information/guide.interment.html

The National Cemetery System is operated by the DVA. Burial in a National Cemetery includes the gravesite, the headstone, opening and closing the grave, and perpetual care. Any deceased veteran discharged from the U. S. Armed Forces under conditions other than dishonorable is eligible for burial in a National Cemetery. Military service after September 7, 1980, requires a minimum of 24 months of service except for special circumstances. Individual with 20 or more years of service in the National Guard or Reserves, entitled to retired pay are eligible for burial. Spouses, surviving spouses, dependent children, and adult, handicapped children are eligible for burial.

One gravesite is authorized for the interment of all eligible members of a family. A gravesite is not reserved before it is needed for a burial. Military honors are not provided by the DVA. If requested by the veteran's family, the Department of Defense will provide a funeral honor guard detail of not less than two members, at least one of whom will be from the veteran's branch of service. The honors ceremony will include, at a minimum, the folding and presentation of the American flag to the family plus the playing of "Taps," either by a bugler or a recording. Military funeral honors are not restricted to services in National Cemeteries. In some localities, the funeral honor guard may be provided by local veterans' service organization volunteers. Local funeral directors have been provided information on this program.

There are two national cemeteries that are administered by the Department of the Army – Arlington National Cemetery and the National Cemetery located at the Soldiers and Sailors Home in Washington, DC. These two facilities have different rules and regulations than other national cemeteries.

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A Guide to Burial at Arlington National Cemetery Eligibility for Interment (Ground Burial)

The persons specified below are eligible for ground burial in Arlington National Cemetery. The last period of active duty of former members of the Armed Forces must have ended honorably. Interment may be casketed or cremated remains.

- a. Any active duty member of the Armed Forces (except those members serving on active duty for training only).
- b. Any veteran who is retired from active military service with the Armed Forces.
- c. Any veteran who is retired from the Reserves is eligible upon reaching age 60 and drawing retired pay; and who served a period of active duty (other than for training).
- d. Any former member of the Armed Forces separated honorably prior to October 1, 1949 for medical reasons and who was rated at 30% or greater disabled effective on the day of discharge.
- e. Any former member of the Armed Forces who has been awarded one of the following decorations:
 1. Medal of Honor
 2. Distinguished Service Cross (Navy Cross or Air Force Cross)
 3. Distinguished Service Medal
 4. Silver Star
 5. Purple Heart

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- f. The President of the United States or any former President of the United States.
- g. Any former member of the Armed Forces who served on active duty (other than for training) and who held any of the following positions:
 - 1. An elective office of the U.S. Government
 - 2. Office of the Chief Justice of the United States or of an Associate Justice of the Supreme Court of the United States.
 - 3. An office listed, at the time the person held the position, in 5 USC 5312 or 5313 (Levels I and II of the Executive Schedule).
 - 4. The chief of a mission who was at any time during his/her tenure classified in Class I under the provisions of Section 411, Act of 13 August 1946, 60 Stat. 1002, as amended (22 USC 866) or as listed in State Department memorandum dated March 21, 1988.
- h. Any former prisoner of war who, while a prisoner of war, served honorably in the active military, naval, or air service, whose last period of military, naval or air service terminated honorably and who died on or after November 30, 1993.
- i. The spouse, widow or widower, minor child, or permanently dependent child, and certain unmarried adult children of any of the above eligible veterans.
- j. The widow or widower of:
 - 1. a member of the Armed Forces who was lost or buried at sea or officially determined to be missing in action.
 - 2. a member of the Armed Forces who is interred in a US military cemetery overseas that is maintained by the American Battle Monuments Commission.
 - 3. a member of the Armed Forces who is interred in Arlington National Cemetery as part of a group burial.
- k. The surviving spouse, minor child, or permanently dependent child of any person already buried in Arlington National Cemetery.
- l. The parents of a minor child, or permanently dependent child whose remains, based on the eligibility of a parent, are already buried in ANC. A spouse divorced from the primary eligible, or widowed and remarried, is not eligible for interment.
- m. Provided certain conditions are met, a former member of the Armed Forces may be buried in the same grave with a close relative who is already buried and is the primary eligible.

Webb Address: www.arlingtoncemetery.org/funeral_information/guide.interment.html

Arlington National Cemetery
Arlington, VA 22211
(703) 607-8000

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Presidential memorial Certificates

A Presidential Memorial Certificate (PMC) is an engraved paper Certificate, signed by the current President, to honor the memory of Honorably discharged deceased veterans.

History

This program was initiated in March 1962 by President John F. Kennedy And has been continued by all subsequent Presidents. Statutory authority for the program is Section 112, Title 38, of the United States code.

Administration

The Department of Veterans Affairs (VA) administers the PMC program by preparing The certificates which bear the current President's signature expressing the country's grateful recognition of the veteran's service in the United States Armed forces.

Eligibility

Eligible recipients include the next of kin and loved ones of honorably discharged deceased veterans. More than one certificate may be provided.

Request must include:

- VA form 40-0247
- Copy of veteran's discharge document
- Number of certificates requested

Requests can be e-mailed to pmc@va.gov or faxed to 1-800-455-7143 or

Mailed to:

Presidential Memorial Certificates (41A1C)
Department of Veterans Affairs
5109 Russell Rd.
Quantico, VA 22134-3903

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Study Questions: Burial Benefits

Using the assigned references and reading materials, answer the following questions:

1. What is the deadline for applying for the \$600 nonservice-connected burial and plot allowance?
 - a. 90 Days From Interment
 - b. Two Years From Interment
 - c. No Time Limit

2. A veteran rated 10% service-connected, never waived military retirement pay, and dies from a nonservice-connected condition is entitled to the \$600 nonservice-connected burial and plot allowance.
 - a. True
 - b. False

3. Grave markers can be provided for marked gravesites and used as footstones.
 - a. True
 - b. False

4. National Guardsmen and Reservists are entitled to receive grave markers if they have _____ or more years of credible service.

5. Military honors are provided by the DVA for burial of a veteran in a National Cemetery.
 - a. True
 - b. False

6. How many gravesites can be provided to a veteran for burial of eligible family members in a National Cemetery?
 - a. One
 - b. Two
 - c. None