

SBP/DIC Benefits Offset

In August 2009, three military survivors who wished to remarry won a court case against the government to receive both their Survivor Benefit Plan (SBP) and Dependency and Indemnity Compensation (DIC) Payments. The US Court of Appeals for the Federal Circuit upheld the decision. This appeared to be a step in the right direction.

The change meant eligible parties who remarry after age 57 could receive both SBP and DIC survivor payments without the offset between the two. If the survivor is over age 57 and eligible, he/she may remarry and keep both benefits. Under age 57, a choice between the two benefits must be made. In addition, and perhaps most importantly, if the survivor is over age 57 and chooses to remain single,



once again a choice must be made between benefits. That group will continue to have their SBP payments offset by DIC. It appeared that the inequity would soon be obvious. Why would those who chose to remarry be treated differently than those that remain single.

Our spouses paid for these benefits: SBP was paid for with retired pay, while DIC was paid for with his or her life. There is no legitimate reason to have two standards in the law—one that allows payment of full SBP and DIC for survivors who remarry after age 57 and another that forces a dollar-for-dollar offset between the two benefits for all others, as reported in “The Affiliate,” February 2010 and “The Military Officer,” January 2010.

The caveat here is an issue for all survivors to be aware of--if you remarry at any age you may begin to draw both benefits, **but** you will lose all military benefits, including commissary, PX and most importantly TRICARE. This is indeed a “catch 22.”

Please, please, write to your congressman to address this very unfair ruling.

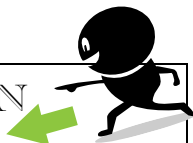
Submitted by Jackie Peters, Auxiliary member

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Senator Mark Warner
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APRIL 22 LUNCHEON



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