

### ③ Improve Benefits for Survivors

Since Dependency and Indemnity Compensation (DIC) was created in 1993, major improvements have been legislated only once in 2003. While minor enhancements have been implemented there is still much that can be done to improve benefits for the survivors of America's veterans. DIC rates have failed to keep up with the cost of living and fallen short of what federal employees' survivors receive. In addition, many veterans pass away from nonservice-connected conditions prior to the eligibility period; thus, leaving their families with nothing. Improvements are needed for those left behind to assist with their education and provide benefits to help survivors rebuild their lives. Now that we see the combined effects of a pandemic, plus a war that has spanned almost two decades, the urgency for these improvements is dire.

#### Increase DIC Rates

DIC is a benefit paid to surviving spouses of service members who die in the line of duty or veterans who die from service-related injuries or diseases to provide surviving families with the means to maintain some semblance of economic stability after the loss of their loved ones. When a service-disabled veteran passes away, not only does the surviving spouse have to deal with the heartache of losing their loved one, but they also have to contend with the loss of their veteran's compensation. This loss to a survivor's budget is devastating, especially if the spouse was also the veteran's caregiver and dependent on that compensation as their sole income source.

The rate of compensation paid to survivors of service members who die in the line of duty or veterans who die from service-related injuries or diseases was established in 1993 and has been minimally adjusted since then. Currently, the rate of compensation paid to a veteran's survivors is significantly lower than the month-

ly benefits for survivors of federal civil service retirees. This creates inequity for survivors of our nation's heroes compared to survivors of federal employees.

#### Reduce the 10-Year Rule for DIC

Veterans who are rated 100 percent disabled or have individual unemployability due to their service-connected disabilities are unable to work in full-time occupations, if at all. In recognition of the severity of many disabilities and the impact on veterans and their families, if a veteran is 100 percent disabled, to include individual unemployability, for 10 consecutive years before the veteran's death, surviving spouses and minor children are eligible for DIC benefits.

However, if a veteran dies due to a non-service-connected condition before they reached 10 consecutive years of being totally disabled, their dependents are not eligible to receive the DIC benefit. This happens even though many of these survivors put their careers on hold to act as primary caregivers for the veteran, and now with the loss of their veteran, could potentially be left destitute.

The Independent Budget veterans service organizations (IBVSOs) agree that the requirement of 10 years seems arbitrary. The DIC program would be more equitable for all survivors if there was a partial DIC benefit starting at

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five years after a veteran is rated totally disabled and reaching full entitlement at 10 years. This would mean if a veteran is rated as totally disabled for five years and dies, a survivor would be eligible for 50 percent of the total DIC benefit increasing until the 10-year threshold and the maximum DIC amount is awarded.



## Reform Life Insurance

In 1951, the Service-Disabled Veterans Insurance (S-DVI) program was designed to provide affordable life insurance coverage to disabled veterans unable to purchase private insurance due to their service-connected disabilities. Since then, the cost and benefits of this insurance have seriously eroded. Rates are based on contemporaneous mortality tables and have failed to remain competitive with commercial insurance. Current actuarial data should be used to lower premiums and the benefit payout should be increased to adjust for inflation.

The IBVSOs recognize that Congress has attempted to address inflation through the passage of Public Law 111-275, the Veterans Benefits Act of 2010, which authorized an increase from \$20,000 to \$30,000 in the supplemental amount available. However, many of these veterans cannot purchase supplemental commercial life insurance due to their service-connected disabilities, and this is an inadequate sum of money. If the original amount of \$10,000 offered in 1951 were adjusted for inflation, it would be closer to \$100,000 in 2018.

With the passage of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, changes were made to update the S-DVI, including raising the payout to \$40,000.

The IBVSOs want the premiums of S-DVI to be lowered in accordance with current insurance data. Veterans are paying much higher rates for insurance premiums while receiving fewer benefits. The IBVSOs recommend Congress enact legislation lowering the premiums using current mortality tables. Lastly, any legislation aimed at improving this benefit needs to retain the ability for veterans rated 100 percent totally and permanently disabled to retain the premium waiver for basic coverage currently authorized.

## Improve Dependents Educational Assistance

Spouses and surviving spouses eligible for educational benefits under Dependents Educational Assistance only have 10 years to apply and complete these education programs, beginning either from the date the veteran is rated permanently and totally disabled or the date of the veteran's death. Due to circumstances such as the demands of raising children alone or needing to re-enter the workforce to supplement the loss of the decedent's income many are unable to apply in a timely manner.

Far too many times, when a spouse is ready to utilize the benefit, the time period has lapsed, leaving these men and women without the ability to further their education and improve their living circumstances. The IBVSOs urge Congress to remove the 10-year delimiting date for spouses and surviving spouses to utilize their Chapter 35 benefits.

## Require COVID-19 Medical Opinions

As of October 2020, over 3,500 veterans have died from COVID-19 without a medical opinion stating whether their service-connected conditions contributed to their death. Certain service-connected disabilities have proven to be comorbid with COVID, including diabetes, hypertension, and heart disease, and may be overlooked as contributing factors in the veteran's death. Thus, veteran families may be denied important survivor benefits. The IBVSOs advocate for the Secretary of the VA to require a medical opinion on all veterans who die due to the novel Coronavirus and have a service-connected disability.

## Waive the 8-Year Requirement for Surviving Spouses to Receive the DIC "Kicker"

Title 38, United States Code, Section 1311(a)(2) allows an additional DIC monthly payment of \$288.27 to survivors in the case of a veteran who at the time

of death was in receipt of or was entitled to receive compensation for a service-connected disability that was rated totally disabling for a continuous period of at least eight years immediately preceding death. This monetary installment is commonly referred to as the DIC "kicker." Amyotrophic lateral sclerosis (ALS) is an aggressive disease that leaves many veterans totally incapacitated and reliant on family members and caregivers. Individuals diagnosed with ALS have an average lifespan of between two to five years. Sadly, many veterans are unable to meet DIC's eight-year requirement. VA already recognizes ALS as a presumptive service-connected disease and due to its progressive nature, automatically rates any diagnosed veteran at 100 percent once service connected. We recommend extending these increased DIC payments to surviving spouses of veterans who die from ALS regardless of how long they had ALS prior to death. ♦

### The IBVSOs Recommend:

- Congress index the rate of compensation for DIC to 55 percent of a 100 percent disabled veteran's compensation to parity what federal survivors receive.
- Congress replace the current 10-year period for eligibility for DIC with a graduated scale that begins at 5 years and reaches full entitlement at 10 years.
- Congress enact legislation that lowers S-DVI premiums using current mortality tables but without sacrificing the ability for veterans rated 100 percent totally and permanently disabled to waive their premiums.
- Congress enact legislation that would remove the 10-year delimiting date for spouses and surviving spouses to utilize their Chapter 35 benefits.
- Congress enact legislation that would require the Secretary of the VA to seek a medical opinion when a service-connected veteran dies of COVID-19.
- Congress extend increased DIC payments to surviving spouses of veterans who die from ALS regardless of how long they were service-connected with ALS prior to death.

