

Questions About DIC

Dependency and Indemnity Compensation (DIC). The 10- and 8-Year Rules.

DIC is a non-taxable survivor's benefit. If a Veteran were to die from a service-connected condition or a service-connected condition contributed to the death, the surviving spouse and dependent children are eligible to file for DIC.

Base DIC is \$1,357.56/mo (2021) for a spouse and an extra \$289.00-\$336.32/child. DIC also includes CHAMPVA if not Tricare eligible and Dependent Education Assistance (Chapter 35). Low-income parents can also be eligible for DIC payments. If the surviving spouse is eligible for DIC the Veteran is considered Permanent and Total (P&T) at time of death.

10 Year Rule-If a Veteran is 100% or TDIU for 10 consecutive years or more at death (P&T status not required), the death does not need to be service connected and can be from any issue not deemed to be willful misconduct.

The 8 Year Rule-If a surviving spouse is eligible for DIC and the Veteran was 100% or TDIU (P&T status not required) for 8 years prior to death and they were married those same 8 years, the spouse gets an extra \$288.27/mo.

If the spouse is getting Survivor Benefit Program (SBP) from the DoD as part of the retirement of the Veteran, that can now be received concurrently (Phased in over the next 2 years).

Cause of Death: If the cause of death is service connected or the medical opinion can be shown that a service-connected condition contributed to death, then the surviving spouse can file for DIC. An example is a Veteran was only rated at 0% for hypertension. He never filed for an increase even though the condition worsened. His death was attributed to hypertensive heart failure. The Veteran's surviving spouse can file for DIC. Even though he never collected any disability compensation, his surviving spouse can do so now.

If a surviving spouse remarries prior to age 55 he or she will no longer be eligible for DIC. If you remarried on or after December 16, 2003, and you were 55 years of age or older at the time you remarried, you can continue to receive compensation.

DIC is retroactive to the beginning of the month of death if a VA Form 21P-534EZ is filed within one year of death. An Intent to File (ITF) is not required if filed within that year. If filing beyond that one-year point, an Intent to File can be used to hold the effective date for up to one year for retro pay to the date of the ITF.