



**Position Paper**  
**Military Retiree Survivor Comfort Act**

**Issue:** Amend current law to allow a surviving spouse to receive and keep the final retirement stipend received during the month in which a military retiree becomes deceased.

**Background:** In accordance with current law, the Defense Finance Accounting Service is required to electronically withdraw the last payment from a deceased retiree's checking account and then, several weeks later, send a check for the portion of the month that the retiree was living to the retiree's surviving spouse. This can cause a great deal of hardship because, in most cases, a survivor cannot plan for his or her spouse's death and retirement checks are usually utilized to pay recurring bills. When DFAS electronically withdraws the entirety of the last payment from the deceased retiree's checking account, checks written for these bills can bounce or payments cannot be made.

Amending current law would allow for a much less burdensome transition from that of a military spouse to that of a surviving spouse by allowing the spouse to receive and keep the entirety of the last retirement check received during the month in which the retiree becomes deceased. However, in the interest of the tax payer who would fund these additional monies, Survivor Benefit Plan payments should not start until the first day of the first month *following* the month in which the retiree becomes deceased. This coordination between retirement pay and SBP payments will prevent a surviving spouse from receiving two payments during the same month, while providing the spouse with a smooth financial transition to that of a surviving spouse.

**AMRA Position:** AMRA supports legislation that would allow a surviving spouse to receive and keep the final retirement check received during the month in which a retiree becomes deceased and which would shift the start date of SBP payments to the 1<sup>st</sup> day of the month following that in which a retiree's death occurs.

**Current Legislation:** H.R. 454: Military Retiree Survivor Comfort Act, Rep. Walter Jones (R-NC-3) Amends title 10, U.S. Code, to provide for forgiveness of certain overpayments of retired pay to deceased retired members of the Armed Forces following their death.