PENSION AND FIDUCIARY Service

PMC VSR Advanced Core Course

**Burial Benefits Eligibility**

Job Aid

March 2022

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| **Burial Benefit Terms** | **Definitions** |
| Alkaline hydrolysis | ***Alkaline hydrolysis***, also known as “green cremation,” is a water-based dissolution process for human remains that uses alkaline chemicals to accelerate natural decomposition. |
| Burial | Includes all the various recognized methods of disposing of the remains of deceased persons; examples include: * Cremation
* Burial at sea
* Medical school donation
* Alkaline hydrolysis
 |
| Burial at sea | * Occurs when the deceased Veteran’s body is committed to the sea
* Not considered a final resting place for VBA purposes and is not eligible for plot or interment allowance
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| Cremation | A **cremation** is a burial, regardless of what is done with the ashes. |
| Interment | The act of placing the remains of a deceased person in a final resting place; examples include:* Placing the remains of a deceased person’s body into a grave
* Placing the cremated remains of a deceased person into a columbarium niche
 |
| Last place of residence | The ***last place of residence*** is the place where the Veteran lived at the time of death.  It is normally the legal domicile but includes a temporary residence if it is more advantageous to the claimant. Generally, it is not necessary to develop to ascertain or verify the place of last residence.  Unless the claimant affirmatively shows it to be elsewhere, accept the place of last residence as the* home address to which checks were being mailed, if the Veteran was in receipt of VA benefits at the time of death (a home address is *not* a bank address, post office box, or the address of a fiduciary), or
* address shown as the residence of the deceased on the death certificate.

**The VA does not pay plot allowance whenever the plot location is a private residence.** See M21-1 XI.iii.1.A.1.j for further information  |
| Medical school donation | Considered a recognized method of disposing of remains if the deceased Veteran’s body is turned over to a medical school for scientific purposes |
| Nearest national cemetery | A cemetery:* Under the jurisdiction of VA National Cemetery Administration (NCA) or Arlington National Cemetery
* That is the closest, geographically, to the Veteran’s last place of residence
* Where space is available
* Where the Veteran is eligible for burial

Also may be a national cemetery where burial space was reserved for the Veteran, usually when there has been interment in that space of a dependent who died before the Veteran died |
| Place of death | The location of the Veteran at the time of death shown by the death certificate or other acceptable evidence of death |
| Plot | The final disposal site of the remains* Synonyms: burial plot, interment site, or final resting place
* Examples: grave, mausoleum, vault, columbarium niche, or other site
* Consider the plot to be:
	+ The grave where the casket is buried, not the casket itself
	+ The columbarium niche containing the cremation urn, not the urn itself
 |
| Unclaimed Veteran remains | ***Unclaimed Veteran remains*** are the remains of an identified Veteran* who has not been claimed by relatives or friends
* who does not have sufficient resources available in the Veteran’s estate to cover the burial and funeral expenses, and
* whose burial is not the responsibility of any other Federal, State, or local agency.

***Note***:  The Veterans Health Administration is responsible for burial payments and arrangements for the unclaimed remains of Veterans who die while hospitalized under VA medical care.See M21-1 XI.iii.1.A.1.h for further information |

**Reference:** M21-1 XI.iii.1.A.1 (Definitions of Burial Benefit Terms)

The following table presents basic edibility requirements for the Veteran and the claimant:

|  |  |
| --- | --- |
| **Veteran or Claimant** | **Basic Eligibility Requirements** |
| M21-1 XI.iii.1.B.1 (General Veteran Eligibility Criteria) | * Served in active military, naval, or air service, and
* Discharged or released under conditions other than dishonorable
 |
| **Veteran** death must fall into at least one category: | * Service-connected death **OR**
* Nonservice-connected death **OR**
* VA hospitalization death **OR**
* Unclaimed, identified remains
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| **Priority** ofpayments: | For all burial benefits not paid automatically to the eligible surviving spouse at the notice of death, VBA may pay the applicable burial benefit to the first person to file a claim for burial benefits from the following list of eligible claimants:* Veteran’s surviving spouse
* survivor of a legal union between the deceased Veteran and the claimant that
	+ existed on the date of the Veteran’s death
	+ was recognized under the law of the State in which the couple formalized the relationship, and
	+ was evidenced by the State’s issuance of documentation memorializing the relationship
* Veteran’s child, regardless of age
* Veteran’s parent, or
* the executor or administrator of the Veteran’s estate or a person acting for the executor or administrator of the estate of the deceased Veteran.

See M21-1 XI.iii.1.A.3.b for further information |

 **Note:** VA burial benefits are not payable for a service member who died while serving on active military duty. The military service department covers the cost of the burial or plot or interment allowance, not VA. (see M21-1 XI.iii.1.B.1.c [Service Members Who Died During Military Service]).

The following table presents eligibility requirements or restrictions on the various types of Veteran burial benefits:

| **Veteran Burial Benefits** | **Eligibility Requirements or Restrictions** |
| --- | --- |
| **Service-connected (SC) death**M21-1 XI.iii.1.B.2 (SC Burial Allowance) | A SC burial allowance is payable for Veterans* who died as a result of SC disability or disabilities (including [**38 U.S.C. 1151**](https://www.law.cornell.edu/uscode/text/38/1151))
* who were rated totally disabled (100 percent) for an SC disability or disabilities at time of death (excluding IU), or
* when Dependency and Indemnity Compensation (DIC) is granted (including DIC granted under [**38 U.S.C. 1318**](https://www.law.cornell.edu/uscode/text/38/1318) or [**38 U.S.C. 1151**](https://www.law.cornell.edu/uscode/text/38/1151)).

Unless VA has evidence on the date of receipt of the notice of the Veteran’s death that the burial expenses incurred were less, the VBA will pay the maximum SC burial allowance. |
| **Nonservice-connected (NSC) death**M21-1 XI.iii.1.B.3 (NSC Burial Allowance) | Eligibility for the NSC burial allowance exists if the Veteran* was receiving pension or compensation at the time of death
* was receiving military retired pay in lieu of compensation at the time of death
* had a claim pending at the time of death and has been found entitled to compensation or pension from a date prior to the date of death, or
* has no family or friends who claim the Veteran’s body and there are insufficient resources to cover burial and funeral expenses.
 |
| **VA hospitalization death**M21-1 XI.iii.1.B.4 (Veterans Affairs [VA] Hospitalization Death Burial Allowance) | Eligibility for the VA hospitalization death burial allowance exists if the Veteran* was hospitalized by VA at the time of death, or
* died while
	+ hospitalized under VA contract at a non-VA facility
	+ traveling, under proper authorization and at VA expense, to or from a specified place for the purpose of examination, treatment, or care, or
	+ a patient at an approved State Veterans’ home.

VBA ***may***pay the following allowances in addition to the VA hospitalization death burial allowance:* plot or interment allowance, and/or
* reimbursement for transportation expenses or costs incurred.
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| **Plot or interment allowance**M21-1 XI.iii.1.B.5 (Plot or Interment Allowance) | * VBA will pay the maximum allowance payable to a State, government agency, or political subdivision when the burial is provided without charge in a State Veterans cemetery or other cemetery listed in [**38 CFR 3.1707**](https://www.ecfr.gov/cgi-bin/text-idx?SID=a91f722726503e11f0b76924b0474a45&mc=true&node=se38.1.3_11707&rgn=div8).
* The section entitled Claim for Plot or Interment Allowance on [***VA Form 21P-530***](https://www.vba.va.gov/pubs/forms/VBA-21P-530-ARE.pdf) or [***VA Form 21P-530EZ***](https://www.vba.va.gov/pubs/forms/VBA-21P-530EZ-ARE.pdf), must be completed in order to pay plot or interment allowance.
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| **Transportation reimbursement**M21-1 XI.iii.1.B.6 (Transportation Reimbursement) | VBA will reimburse the costs incurred to transport a Veteran's remains for burial in a national cemetery if the Veteran* died as the result of an SC disability
* was receiving SC disability compensation on the date of death
* would have been receiving SC disability compensation on the date of death but for the receipt of military retired pay or VA pension
* is later determined by VA to have been entitled to SC disability compensation  from a date before the Veteran’s death, or
* remains are unclaimed.
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| **Burial of Veterans unclaimed remains**M21-1 XI.iii.1.B.7 (Burial of Veterans Unclaimed Remains) | NSC burial allowance is payable for a Veteran if* the remains of the deceased Veteran are unclaimed, and
* there are insufficient resources available in the Veteran’s estate to cover the burial and funeral expenses.

Effective July 7, 2014, for unclaimed remains, VBA no longer requires* wartime service or discharge due to disability requirements
* receipt of compensation or pension at the time of death, or
* authorization of the deceased Veteran’s funeral service by the State or political subdivision of the State

If a Veteran dies in a VA hospital or while under VA care and the remains are unclaimed, the Veterans Health Administration (VHA) is responsible for the burial.  VBA does not pay burial benefits in this situation.  |