Pension and fiduciary service

**PMC VSR Journey-Level Course**

**National Training Curriculum (NTC)**

Medal of Honor Pension for a Surviving Spouse

Trainee Guide

September 2024

Medal of Honor Pension for a Surviving Spouse

Lesson Overview

| Topic | Description |
| --- | --- |
| Time Estimate: | 1.5 hour |
| Purpose of the Lesson: | This lesson is part of the NTC for PMC VSRs. The purpose of this lesson is to assist PMC VSRs with processing Medal of Honor Pension for surviving spouses. |
| Prerequisite Training Requirements: | Prior to taking this lesson, trainees must have completed the PMC VSR Core Pension Training (CPT) program and be at journey-level. |
| Target Audience: | This lesson is for entry level PMC VSRs. |
| Lesson References: | * 38 USC 1562 – Special Provisions Relating to Pension
* 38 CFR 3.31 – Commencement of the Period of Payment
* 38 CFR 3.802 – Medal of Honor
* M21-1 XIII.i.6 – Medal of Honor Pension (MOHP)
* <https://www.va.gov/disability/compensation-rates/special-benefit-allowance-rates/>
 |
| Lesson Objectives: | By the end of this lesson, you should be able to:* Define Medal of Honor Pension (MOHP)
* Identify the requirements necessary to establish entitlement to MOHP for a Surviving Spouse
* Determine the benefit amount for MOHP
* Recognize the actions to take based on when the Medal of Honor recipient died
 |
| Knowledge Check | Medal of Honor Pension for a Surviving Spouse Knowledge Check |
| What You Need: | * + Trainee Guide
* Access to VBA Intranet
* Access to the Assessment Portal
* Pen and paper or access to a whiteboard
* Access to the following systems:
	+ SHARE
	+ MAP-D
	+ VBMS
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| PowerPoint Slides | Notes |
| --- | --- |
| **Medal of Honor Pension for a Surviving Spouse** |  |
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| **Why This Matters!*** The **Medal of Honor Pension (MOPH)** course matters because upon the determination of eligibility of applicants to be entered on the Medal of Honor Roll, special pension is authorized based on certification, and a surviving spouse may be eligible for special pension.
* An award of special pension at the monthly rate specified will be made beginning as of the date on which the beneficiary’s name is entered on the Army, Navy, Air Force, and/or Coast Guard Medal of Honor Roll.
 |  |
| **Understanding MOHP (1 of 2)*** Although called a “pension,” MOHP is *not* based on income and net worth.
	+ it is *not* subject to reduction under[**38 CFR 3.551**](http://www.ecfr.gov/cgi-bin/text-idx?SID=520a28127cd6deab3fff65281d4678a2&mc=true&node=se38.1.3_1551&rgn=div8http://www.ecfr.gov/cgi-bin/text-idx?SID=520a28127cd6deab3fff65281d4678a2&mc=true&node=se38.1.3_1551&rgn=div8)
	+ entitlement is independent of entitlement to any other benefits
	+ does not require service connection or a disability
	+ does not deprive the Veteran or service member of entitlement to any other pension, compensation, or other benefit, right, or privilege under any laws of the U.S.
 |  |
| **Understanding MOHP (2 of 2)**MOHP for a surviving spouse may be independent of entitlement to any other benefits, meaning it does not,* require service connection for the Medal of Honor recipient’s cause of death, or
* deprive the surviving spouse of entitlement to any other pension, compensation, or other benefit, right, or privilege under any laws of the U.S.
 |  |
| **Determining Entitlement (1 of 3)*** Per[**38 CFR 3.802(b)**](http://www.ecfr.gov/cgi-bin/text-idx?SID=520a28127cd6deab3fff65281d4678a2&mc=true&node=se38.1.3_1802&rgn=div8)the date of entitlement to MOHP is the date the Veteran or service member files a written application with the Secretary of the military branch in which they served.
* A surviving spouse is not eligible to MOHP if the spouse is receiving DIC under[**38 U.S.C. 1311**](https://www.govinfo.gov/link/uscode/38/1311)or[**1318**](https://www.govinfo.gov/link/uscode/38/1318)**.**
* An entitled surviving spouse is one that was
	+ married to the Veteran or service member at the time of death for one year or more immediately prior to the Veteran or service member’s death, or
	+ any period if a child was born of the marriage, or
	+ a child was born to the Veteran/service member and surviving spouse before marriage
 |  |
| **Determining Entitlement (2 of 3)*** The date of entitlement to MOHP for a surviving spouse will be the first of the month of the Medal of Honor recipient’s death if notice of eligibility is received within one year of the date of death, or the date such notice was received by VA, if not received within one year of the date of death.
* When the entry of a Veteran or service member’s name on a military branch’s Medal of Honor Roll occurs posthumously, benefits may also include a lump-sum payment defined by the date of the action for which the medal was awarded.
 |  |
| **Determining Entitlement (3 of 3)*** Under [38 CFR 3.802(c)(4)](https://www.ecfr.gov/current/title-38/chapter-I/part-3/subpart-A/subject-group-ECFR2c3eca6251aa67b/section-3.802) entitlement for MOHP for a surviving spouse can be no earlier than the date of enactment of *PL 116-315*, January 5, 2021.
* For cases when the Medal of Honor recipient died prior to January 5, 2021, the date of entitlement will depend on the date notice of eligibility is received, either via certification provided by the service department, or other notice received as evidence by VA that identifies an individual as being an eligible surviving spouse

 |  |
| **MOHP: Payment (1 of 4)*** The monthly rate of the MOHP is specified in [38 U.S.C. 1562](https://www.law.cornell.edu/uscode/text/38/1562), and is the maximum rate payable, regardless of the number of Medals of Honor awarded, and **is not** based on income or net worth.

**EXAMPLE: Effective December 1, 2023**If the Veteran received the Medal of Honor, we would pay an additional**$1,671.16 each month.*** MOHP adjustments match the percentage of cost-of-living adjustments for Social Security benefits.
 |  |
| **MOHP: Payment (2 of 3)****Example**: * The special MOHP for fiscal year (FY) 2021 was $1,406.73 (effective date: December 1, 2020) per month above and beyond any other benefits including pensions.
* Based on the increase in the Consumer Price Index (CPI-W) from the third quarter of 2020 through the third quarter of 2021, Social Security and Supplemental Security Income (SSI) beneficiaries will receive a 5.9 percent COLA for 2022.
* Therefore, it is projected that the special Medal of Honor pension for FY22 will be $1,489.72707 (or rounded up to nearest cent $1489.73), effective date: December 1, 2021) per month above and beyond any other benefits including pensions.
 |  |
| **MOHP: Payment (3 of 4)****Formula:** This determination can be made by using the following formula: $1406.73 (2021 rate) x 5.9 (new COLA percentage rate) + 1406.73 (add back to the old rate) = $1,489.72707 (or $1489.73 rounded up to nearest cent) |  |
| **MOHP: Payment (4 of 4)*** The monthly rate of MOHP is the same rate for a Medal of Honor recipient or a surviving spouse.
	+ A surviving spouse **does not** receive more than one MOHP, regardless of whether they were married to more than one person who was awarded a Medal of Honor.
* If there is a surviving spouse who was awarded the Medal of Honor during their lifetime or posthumously, add the MOHP for a surviving spouse entitlement amount to a current award, or pay it as the sole benefit from the date certified.
 |  |
| **MOHP: Lump-Sum Payment for a Surviving Spouse*** A lump-sum amount for MOHP for a surviving spouse is payable with an award entitlement date of no earlier than January 5, 2021.
* In cases where the Veteran or service member was added to a Medal of Honor Roll posthumously, retroactive lump-sum benefits are payable to a surviving spouse equal to the total amount of MOHP for a surviving spouse the beneficiary would have received during the period that
	+ **begins** on the first day of the month (but no earlier than January 5, 2021) after the date of the event for which the Veteran or service member earned the Medal of Honor, and
	+ **ends** on the last day of the month preceding the month in which MOHP for a surviving spouse was awarded
 |  |
| **Calculating the Lump-Sum Payment*** To calculate the retroactive lump-sum payment:
	+ First, identify the starting date of the retroactive period
		- This is the first day of the month after the event in which the Medal of Honor was award
	+ Next, identify the ending date of the retroactive period
		- This is the last day of the month before the MOHP payment officially begin
	+ Third, determine the monthly MOHP rate in effect during the retroactive period
	+ Lastly, multiply the pension rate by the number of months in the retroactive period to get the total retroactive lump-sum amount**.**
 |  |
| **Example: Calculating the Lump-Sum Payment****Example 1:*** Event Date: January 22, 2024
* Pension Started: March 1, 2024
* MOHP Rate: $1,671.16

**Results:*** Starting: February 1, 2024 (first of the month after the event)
* Ending: February 29, 2024 (last day of the month before pension payment begin)
* Rate: $1,671.16
* Number of months: 1
* Retroactive Lump-Sum would be $1,671.16 x 1 ($1.671.16)
 |  |
| **Scenario 1: Lump Sum Payment****Scenario 1:**Harper was awarded the Medal of Honor for actions in combat on July 18, 2006. His name was entered on the Medal of Honor Roll on November 11, 2006. He began receiving the Medal of Honor Pension on December 1, 2006. **Determine and Explain actions/results.** |  |
| **Retroactive Lump-Sum: Surviving Spouse*** Identify the date of when the surviving spouse became entitled to MOHP.
	+ This is usually the date of the Medal of Honor award or the date the Medal of Honor Roll was updated.
* Determine the starting date of the retroactive period (first day of the month after the event date)
* Determine the ending date of the retroactive period (last day of the month before the month in which the pension payment begin)
* Find out what the monthly pension rate is for the retroactive period
* Calculate the number of months in the retroactive period (starting date to the end date)
* Multiply the monthly rate by the number of months in the retroactive period.
 |  |
| **Example 2: Retroactive Payment for a Surviving Spouse****Example 2:****Event Date:** February 19th, 2024 (date the surviving spouse became entitled to MOHP)**Start Date:** May 1, 2024**Monthly Rate:** $1,671.16 (rate in effect December 1, 2023)**Results:****Event Date:** February 19, 2024**Retroactive Period:** March 1, 2024 (first of the month after the event)**Ending Date:** April 30, 2024 (the last day of the month before start date)**Retroactive Period:** 3/1/24 – 4/30/24 (2 months)**Calculation:** $1,671.16 x 2**Total:** $3,342.32 |  |
| **Actions Before Generating an Award**Prior to generating an award, consider the following:* an election is required for a surviving spouse to receive the lesser benefit between MOHP for a surviving spouse and benefits paid under [38 U.S.C. 1311](https://www.law.cornell.edu/uscode/text/38/1311) or [38 U.S.C. 1318](https://www.law.cornell.edu/uscode/text/38/1318)
* a change to an election between benefits may be made by a surviving spouse at any time, however, following an initial election, benefits shall never overlap, and
* until January 1, 2023, a surviving spouse must be notified when an evaluation to determine the greater benefit identifies that DIC benefits may be subject to a Survivor Benefit Plan (SBP) offset
	+ The notification must include detailed information on the impact an offset has on the concurrent receipt of DIC and SBP benefits
 |  |
| **Processing MOHP Award** |  |
| **MOHP: NO Surviving Spouse*** If there is no surviving spouse information on file and evidence in a claims folder indicates that a Veteran or service member’s name has been entered on a Medal of Honor Roll or a Medal of Honor is awarded posthumously, then development may be needed to determine if an eligible surviving spouse exists.
* Notification should be provided as part of the Veteran First Notice of Death processing or development for a posthumous Medal of Honor award.
	+ This notification should include eligibility information, including marriage requirements.

A surviving spouse not already established as such by VA, should provide [*VA Form 21-4170, Statement of Marital Relationship*](https://www.vba.va.gov/pubs/forms/VBA-21-4170-ARE.pdf) to verify marital and parental information which can be used to confirm eligibility for MOHP for a surviving spouse. |  |
| **Knowledge Check: Lesson Summary Review****Time Allowed: 10 minutes** |  |
| What’s Next* Complete **Medal of Honor Pension for a Surviving Spouse** course evaluation: TMS ID #: **4624872**
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Appendix

**Determining Entitlement**

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**Processing MOHP Awards**

