

PT-802

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For Additional Information: 703-696-6301 (DSN 426) or [pay@cpms.osd.mil](mailto:pay@cpms.osd.mil)

### **Compensation in Case of Death (Employee and Dependent)**

#### **General Compensation**

- Lump-sum payment of accumulated and accrued leave at time of death (5 U.S.C. 5551 and 5 CFR 550.1201, Subpart L);
- Payment of money due at time of death include:
  - Per diem instead of subsistence, mileage, and amounts due in reimbursement of travel expenses, including incidental and miscellaneous expenses;
  - Allowances on change of official station;
  - Quarters and cost-of-living allowances and overtime or premium pay;
  - Amounts due for cash awards for employee's suggestions;
  - Refunds of pay deductions for U.S. Savings Bonds;
  - Lump sum annual leave;
  - Amounts of checks from U.S. not delivered;
  - Amounts of unnegotiated checks returned to U.S.; and
  - Retroactive pay for wage/pay increases (5 U.S.C. 5344)

Reference: 5 USC 5581

#### **Compensation for Work Injuries (Insurance and Annuities)**

- If death results from injury or illness sustained in the performance of duty, a monthly compensation equal to a percentage of the monthly pay of the employee shall be paid to:
  - Widow or widower, if no child, at 50%;

- Widow or widower, with child, at 45% and additional 15% for each child not to exceed a total of 75%;
- Children, if no widow or widower, at 40% for one child and 15% for each additional child not to exceed a total of 75%;
- Benefits are divided equally among the children;
- Parents, if no widow, widower, or child-percentage based on dependency of parent on employee at time of death; and
- Brothers, sisters, grandparents, and grandchildren if wholly dependent on the employee at time of death when there is no widow, widower, child or dependent parent

Reference: 5 USC 8133

- Compensation is payable from date of death of employee until:
  - Widow or widower remarries prior to age of 55, at which time widow/widower receives a lump sum payment equal to 2 times the annual compensation;
  - Child marries or becomes 18 years old (**exception:** if 18 and a full-time student beyond high school or if incapable of self-support due to physical or mental condition, benefits continue); and
  - Parent/grandparent dies, marries, or ceases to be dependent.

Reference: 5 USC 8133

- Compensation may be paid in lump-sum equal to present value of all future payments (not to exceed 60 months of compensation). (5 U.S.C. 8135)
- \$200 payable to deceased employee's representative for reimbursement for cost of terminating employee's status as an employee of the U.S. (5 U.S.C. 8133)
- Death Gratuity
  - \$10,000 payment minus any amount payable by OWCP under 5 USC 8331(f) and 8134(a) is applied to cases in which employee dies from a traumatic injury sustained in the line of duty on or after August 2, 1990 (Section 651 of P.L. 104-208).

### **Per Diem**

- Per diem allowance terminates at the end of the calendar day the employee dies. Excess advanced per diem is subject to collection. (JTR C6061)

### **Post Differential**

- Terminates on date of death (5 U.S.C. 5925 and 5551; DSSR 532)

### **Post Allowance**

- Terminates on date of death (DSSR 224.3)

### **Danger Pay Allowance**

- Terminates on date of death (5 U.S.C. 5928 and 5551; DSSR 654.2)

### **Separate Maintenance Allowance**

- Terminates on date of death (DSSR 266.3)

### **Death Cases - Allowable Expenses**

- Funeral Expenses
  - When an employee's death results from injuries sustained while performing official duty, payment of up to \$800 for funeral and burial expenses is authorized (5 U.S.C. 8134)
- Preparation of Employee Remains for Official Transportation (note: benefits for preparation of employee remains and transportation of employee remains are payable under 5 U.S.C. 8134 and JTR C6054 if the employee dies as a result of a job related injury or illness)
  - Actual cost is authorized for:
    - Embalming or cremation;
    - Necessary clothing;
    - Casket or container suitable for shipment to burial place;
    - Expenses necessary to comply with local laws at the port of entry in the U.S; and
    - Similar expenses.

- Transportation of Employee Remains
  - When an employee dies while performing official duties, payment is authorized for the cost of transporting the remains to employee's actual residence, official station, or place of interment. (JTR C6056)
  - Cost of transportation of deceased outside CONUS may not exceed the cost to the official station or place of actual residence, whichever is more distant. (JTR C6056)
- Transportation of the Remains of a Dependent of an Employee Outside CONUS
  - Transportation of the remains of a dependent of an employee who dies outside CONUS is the same as for the employee. (JTR C6057)

#### **Allowable Costs for Transportation of Employee and Dependent Remains**

- Cost for transportation of remains by common carrier includes the cost of movement from place of death to mortuary, shipping permit, outside case, removal to common carrier, transportation of remains by common carrier, one removal from common carrier. (JTR C6058)
- Charges for transportation of remains overland by hearse or means other than common carrier will not exceed cost of common carrier transportation. (JTR C6058)
- Round trip travel expenses for up to two escorts for the deceased's remains are allowable. (JTR C6062)

#### **Preparation of the Remains of a Dependent of an Employee Outside CONUS**

- Mortuary services and supplies on reimbursable basis are furnished when local commercial mortuary facilities/supplies not available or in the opinion of the Commander concerned, the cost of available mortuary facilities and supplies is prohibitive. (JTR C6055)

#### **Travel of Dependents and Transportation of Baggage, POV, and Household Goods (HHGs)**

- Cost of return travel for dependents of deceased and transportation of baggage, POV, and HHGs is authorized when an employee dies while performing duties outside CONUS or while in transit. (JTR C6059 and C6060)
- Dependent travel and shipment of household goods must be undertaken within 1 year from date of employee's death. (JTR C6058)

- Transportation of personal baggage is allowed, reimbursement for loss or damage to baggage during transit will not be allowed. Charges for marine and other insurance are not allowed. (JTR C6059)
- Transportation of a privately owned motor vehicle is allowed, but cost may not exceed the cost from the duty station outside CONUS to place of actual residence. (JTR C6060)