



DEPARTMENT OF DEFENSE  
CIVILIAN PERSONNEL MANAGEMENT SERVICE  
1400 KEY BOULEVARD  
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JAN 25 2010

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: Agency Responsibilities – Death Gratuity Authorized by Section 1105 of Public Law 110-181

Public Law 110-181, enacted on January 28, 2008, added a new death gratuity of \$100,000 to the survivors of an employee who dies of injuries incurred in connection with the employee's service with a branch of the Armed Forces in a contingency operation. Eligibility includes employees of both appropriated and non-appropriated fund instrumentalities. This memorandum explains the responsibilities of the employing agency in this death gratuity process and provides further guidance to the May 20, 2008, Defense Civilian Personnel Management Service (CPMS) memorandum.

The Department of Labor Office of Workers' Compensation Program (OWCP) has created three new forms which are located at <http://www.dol.gov/owcp/dfec/regs/compliance/forms.htm>. They are:

- CA-40 Designation of a Recipient of the Federal Employees' Compensation Act Death Gratuity Payment under Section 1105 of Public Law 110-181 (Section 8102a)
- CA-41 Claim for Survivor Benefits Under the Federal Employees' Compensation Act Section 8102a Death Gratuity
- CA-42 Official Notice of Employees' Death for Purposes of FECA Section 8102a Death Gratuity

The agency is responsible for counseling employees prior to deployment and, if circumstances occur, must also counsel survivors who may be eligible for the death gratuity benefit. During the pre-deployment counseling, employees should complete the CA-40 designation which will ensure beneficiaries are properly documented. In addition, agencies must:

- Maintain all designations (CA-40) completed by the employee. The forms must be signed by the employee and by a representative of the agency. The designations must be filed in the Official Personnel Folder (OPF) or a related system of records. The designation(s) must be forwarded to OWCP with the CA-42 upon receiving notification of the death of an employee due to injuries incurred in connection with a contingency operation.

- Complete form CA-42 immediately upon learning of an employee's death that qualifies for the death gratuity, or upon receiving notification from OWCP that a survivor has submitted a claim. Include a copy of the death certificate and a copy of the most recent CA-40 (as noted above).
- Forward all CA-41s received by the survivors to the OWCP-Cleveland District Office, 1240 East Ninth Street, Rm. 851, Cleveland, OH 44199.
- Make a determination of whether an illegitimate child of a deceased male employee has provided sufficient evidence to show they qualify for the death benefit. Typically, OWCP will make this determination; however, if they are unable to make a determination of whether the child is eligible, the agency will be notified and is responsible for evaluating the evidence, making the final decision, and notifying OWCP immediately of the determination.
- Notify OWCP of any additional death gratuity payments under any other law for which the employee's death qualifies, such as, the \$10,000 death gratuity to the personal representative of civilian employees, Title VI, Section 651 of the Omnibus Consolidated Appropriations Act of 1996 (P.L. 104-208, September 30, 1996) or the death gratuity payable under P. L. 109-234, which authorizes the Department of Defense (DoD) to pay beneficiaries a benefit equivalent to one year's salary for deaths occurring during official duty in Iraq or Afghanistan during fiscal years 2006-2008. Certain death gratuity payments will offset the death gratuity payable under P. L. 110-181.

A retroactive provision also applies to survivors of employees who died on or after October 7, 2001, due to injuries incurred in connection with the service of a branch of the Armed Forces in the theater of Operation Enduring Freedom and Operation Iraqi Freedom. The benefit will pay a death gratuity of \$100,000 (minus applicable offsets) to those survivors eligible.

The new death gratuity regulations (<http://edocket.access.gpo.gov/2009/pdf/E9-18523.pdf>) were published and effective August 18, 2009. These regulations provide detailed information and guidance.

Questions about the death gratuity may be directed to the CPMS Injury and Unemployment Compensation Division at (703) 696-1985.



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