

**NINETY-SIXTH NATIONAL CONVENTION  
OF  
THE AMERICAN LEGION  
Charlotte, North Carolina  
August 26, 27, 28, 2014**

**Resolution No. 200: Dependency and Indemnity Compensation for Surviving Spouses**

**Origin: New York**

**Submitted by: Convention Committee on Veterans Affairs & Rehabilitation**

**(Consolidated with Resolution No. 259 (IL))**

WHEREAS, A surviving spouse who remarries on or after December 16, 2003, and on or after attaining age 57, is entitled to continue to receive Dependency and Indemnity Compensation (DIC); and

WHEREAS, By placing an age on eligibility for DIC, the Department of Veterans Affairs (VA) is forcing surviving spouses to not move forward with life; and

WHEREAS, When other survivor benefit programs were liberalized, they usually covered the widows of veterans who died before the enactment of the law, (e.g. deaths from cancers from Agent Orange); and

WHEREAS, Title 38, United States Code, section 1318 authorizes DIC to be paid to the widows and widowers of service-connected disabled veterans who die as a result of their service-related condition or who at the time of death were, or should have been, rated 100% service-connected disabled for at least ten years; and

WHEREAS, Many veterans do not reach the 100% level for a service-connected disability until they are much older and their condition has worsened; and

WHEREAS, The spouse has usually been the primary caregiver and companion for these veterans throughout the veteran's lifetime and VA's compensation is their primary means of support; and

WHEREAS, On the surface the 10-year rule discriminates against a large group of veterans, and their survivors, simply because of when they file a claim for service-connected disability rather than recognizing the severity of the condition(s) and the impact of death (not related to the condition) on the family; now, therefore, be it

**RESOLVED, By The American Legion in National Convention assembled in Charlotte, North Carolina, August 26, 27, 28, 2014, That The American Legion work with Congress to enact legislation by December 2015 to eliminate the age criteria for a surviving spouse to remarry for eligibility to receive Dependency and Indemnity Compensation (DIC); and, be it finally**

**RESOLVED, That The American Legion work with Congress to enact legislation by December 2015 to reduce the number of years that a veteran must have a 100% disability rating from ten years to one year for eligibility of DIC payments.**