



## Coast Guard HR Flag Voice 95

### EXPEDITED REVIEW OR "DEATH IMMINENT" PROCESS

In Flag Voice 71, I discussed the Physical Disability Evaluation System (PDES), including a description of the Central and Formal Physical Evaluation Boards (CPEBs and FPEBs). In that Flag Voice, I also briefly mentioned the Expedited Review process, which is often referred to as the "death imminent" process, because it is only exercised when a member's death is apparently "imminent." It is important for Coast Guard members and their commands to have a greater understanding of the death imminent process.

As I stated in the previous Flag Voice, the death imminent process merely expedites the review and evaluation of a physical disability, which otherwise would take weeks longer if processed as a normal CPEB. But the speed at which this process occurs is the key, because decisions related to retention, separation, and retirement can significantly affect benefits for the member and his/her family, and these decisions cannot be made after the member expires, as the Coast Guard has no authority to posthumously retire or separate members.

### References.

COMDTINST M1850.2C, Physical Disability Evaluation System, Chapter 4.A.10

COMDTINST M1000.6A, Personnel Manual, Chapter 11.A.1.c. and Chapter 17.A.3.g.

**What is the purpose of the "expedited review" or "death imminent" process?** It is often perceived that the death imminent process is unique, or has unique authority to confer "special benefits." Actually, the purpose, authority, and legal basis (10 USC, Chapter 61) of this process is the same as that of a normal CPEB. The purpose is to determine the medical fitness for duty of active duty members, and to afford the member the fair opportunity and benefit of disability review. Benefits at stake may include Active Duty/Retired Pay, medical costs (particularly if the member is in a civilian hospital), Survivor Benefit Plan (SBP), Dependency and Indemnity Compensation (DIC), Death Gratuity, and others. Many factors are involved in determining the best/most appropriate course of action, but in the majority of cases, it is better from a benefits perspective for members to be retired for a physical disability than to expire while still on active duty. This will be explained in further detail.

**What do we mean by the term "death imminent"?** When a service member is involved in an accident, or when an existing condition deteriorates to the point that death is expected within approximately 72 hours, it is considered that death is imminent. Such a prognosis normally originates

from the attending physician, who should inform the member's command.

**Who initiates the Death Imminent Process?** Upon receiving such a report, it is the responsibility of the member's command to initiate the process by immediately contacting the Coast Guard Headquarters Command Center (202-267-2100). The Coast Guard is committed to responding to death imminent situations on a 7-day/week X 24-hour/day basis, so commands should not hesitate to call day or night. If there is doubt as to the prognosis (duration of life expectancy), it is better to err on the side of caution and call the Command Center. In cases where a member's condition gradually deteriorates to the point where a death imminent procedure is likely to occur in the near future, commands are encouraged to provide CGPC-adm-1 a heads-up call, either directly or via the Command Center.

**How is the Expedited Review Process Implemented?** There are several key steps in implementing the expedited review process. The most important thing to remember is that if the service member dies, the physical disability evaluation process must stop.

The first key step begins with the command. The member's command must request initialization of the death imminent process. This request must be made to the Coast Guard Command's Physical Disability Evaluation Branch (adm-1) via the Headquarters Command Center. The Command Center will immediately implement a Quick Response Card (QRC), and gather all available information. All key elements of the process including notification and delivery of CPEB findings, acceptance or rejection of findings, selection of benefits and date/time of retirement must be coordinated via the HQ Command Center and captured on tape.

The second key step is the CPEB. The CGPC (adm-1) CPEB is comprised of a President (military member) and a medical officer. The HQ Command Center will notify the CPEB members who will determine if the situation warrants initiating the death imminent process. In most cases, the CPEB will contact the attending physician directly to ascertain the current medical condition and prognosis of the imminent death member. The CPEB will take one of the following actions (1) no action because the member may return to a fit for duty status in the foreseeable future; (2) wait and continuously monitor the member's condition for any significant changes; or (3) recommend that the member be found not fit for duty by reason of physical disability and assign a level of disability. The CPEB will normally recommend that the member be placed on the Temporary Disability Retirement List (TDRL) to protect the interests of the member and the government should the member fully recover or greatly improve.

The third key step is delivery of the CPEB findings and recommendation, acceptance or rejection of those findings and election of SBP. The CPEB President will telephonically deliver the recommended findings and disposition to one of several counsels assigned to COMDT(G-LMJ) who are familiar with the PDES process. The first decision to be made is acceptance or rejection of the CPEB findings. Depending on the member's current medical condition, counsel may immediately accept the CPEB findings on behalf of the member. When circumstances permit, the counsel will consult with the member and may consult with a guardian or family member to determine the most appropriate action given the circumstances. If the member is receiving care in a civilian hospital, the family may choose to delay

acceptance to reduce their financial burden (cost under TRICARE if the member continues to survive in a retired status). The second decision concerns election of a Survivor Benefit Plan (SBP) option. Once again counsel may immediately elect an SBP option on behalf of the family or if time allows, discuss options with the member's guardian or family. Counsel, guardian or family may not have the customary 15 working days from delivery of the CPEB's recommended findings and disposition to accept or reject them and also to make an SBP election since death is imminent.

The fourth key step is review and approval of the CPEB recommended findings and disposition. General Law (G-LGL) and the Final Approving Authority (usually CGPC-adm/cd) will telephonically review all aspects of the situation, including the member's prognosis and the CPEB's recommended findings and disposition. If legally sufficient and appropriate, approval will be given to retire the member. Date/time of retirement will be captured via the HQ Command Center.

The fifth key step is appropriate follow-up after a member's retirement or death. Approval of CPEB findings and disposition gives CGPC (epm) or CGPC (opm) authority to retire the member. HRSIC will calculate and pay SBP annuity. COMDT (WPM-2) forwards a survivor benefits information and claims package directly to the beneficiary. G-WPM also ensures that a Casualty Assistance Call Officer (CACO) is assigned to assist the surviving family.

While the Death Imminent process seems very lengthy and complex, it can be accomplished in relatively short order. Although most/all of the aforementioned actions are accomplished verbally, follow-up hard copy documentation is required. While the death imminent process cannot improve the member's chance of survival, it can have substantial effect on the short and long term benefits received by surviving family members. Many of these benefits are ones we don't like to think about, so they are often not well understood. Below is a brief explanation of the most pertinent benefits.

### **Explanation of Benefits.**

#### **Serviceman's Group Life Insurance (SGLI) / Veterans Group Life Insurance**

**(VGLI):** Every active duty service member is automatically covered (unless specifically declined) by SGLI with a death benefit of up to \$200,000 while on active duty and for 120 days after discharge. That coverage extends for one full year following 100% disability separations, with no premium cost during that period. SGLI can easily be converted to VGLI for the same amount of coverage within 120 days following separation. The benefit is payable to the family either in a lump sum or 36 monthly installments. Beginning 1 October 1999, the VA began a one-year pilot program offering financial services to beneficiaries of SGLI and VGLI. This is a free service. Information about this program is provided in the benefits information and claims package that G-WPM forwards to the family.

**Death Gratuity:** If a service member dies on active duty, or within 120 days of retirement as a result of a service-connected disability, the beneficiary will receive up to \$6,000

death gratuity. HRSIC pays the benefit by direct deposit upon submission of a death gratuity claim (form DD-397) provided by G-WPM.

**Dependency and Indemnity Compensation (DIC):** DIC is a tax-free survivor benefit administered by the VA. DIC is currently \$881 for spouse and \$222 per child (more for children of a single parent based on the number of children). It is an automatic monthly entitlement paid to surviving dependents (spouse and/or children) when a service member dies:

- (a) on active duty; or
- (b) as a direct result of a service-connected disability; or
- (c) as a partial result of a service-connected disability; or
- (d) after the veteran had been rated as 100% disabled by the VA.

The spouse will receive this benefit for life as long as she/he does not remarry. Children will receive this benefit until age 18. They would then be eligible for Supplemental DIC of \$188 up to the age of 23 if single.

**Survivor Benefit Plan (SBP):** The SBP pays an annuity of 55% of the deceased service member's retired pay to the surviving (or former) spouse or children. It is taxable income. The critically ill service member's retired pay will be 75% of his/her basic pay and the surviving dependent would be entitled to 55% of that retired pay (55% of 75% of base pay). It is also important to understand that there is a dollar-for-dollar offset between DIC and spouse SBP. However, depending on the retired pay entitlement, SBP may exceed the DIC amount. SBP continues for life of the spouse unless the spouse remarries prior to age 55. When SPB is elected for children, DIC has no offsetting impact on the child's SBP receipt. Consequently, the flexibility of options for a member pending retirement allows for weighing long term versus short-term benefits in light of the number of dependents and their ages.

**Supplemental SBP (SSBP):** The member may elect up to four supplemental units to replace some or all of the SBP annuity reduction as a result of social security offset that takes place when a spouse or former spouse reaches age 62.

**Service-Disabled Veterans Life Insurance (DVLI):** Death imminent retirees may purchase a \$10,000 basic life insurance policy provided by the VA.

**Social Security Survivor Benefits:** Spouses caring for children under 16 years of age may be entitled to 75% of Primary Insurance Amount (PIA). Once the youngest child turns 16, the spouse will lose the benefit, but may reapply for a reduced benefit as early as age 60. In addition, every child under the age of 18 (19 if still in high school) may also be entitled to 75% of PIA. However, the entire family is subject to a maximum benefit of 1.75 times the PIA. Benefits are determined by the Social Security Administration.

**Social Security Lump Sum Death Benefit:** \$255 is paid if the service member is either fully or currently insured with Social Security.

**Dependents Educational Assistance:** The VA has special tax free educational benefits for surviving dependents. The spouse receives \$485 per month for 45 months to be used during a 10-year period. Eligible children, from 18-26 years (even if married) would receive the same amount of educational benefits.

**Medical and Dental:** Eligibility for medical and dental benefits for dependents continues in an active duty dependent status for one year following death of an active duty service member. After retirement, TRICARE options need to be considered and elected by the member and/or dependents.

**Military Housing:** Dependents in government housing will be allowed reasonable time to find a new place to live. They may be authorized to make a local move to vacate quarters. The dependents have up to one year from the date of the member's retirement to complete arrangements for a move to a home of selection. Basic Allowance for Housing (BAH) stops when the member is retired. Dependents living on the local economy also have one year from the date of retirement to make a move to a home of selection.

**Shipment of Household Goods:** For service members with a disability retirement, shipment of household goods and home of record election will be the same as that of regular retired members.

**Additional Benefits and Information:** Visit the VA's web site at <http://www.va.gov>.

That's a lot of information on some complex benefit issues. Some of the benefits are only provided to those members who die while in a retired status. Displayed in tabular form in the attachment (can obtain a copy from CGPC(adm-1) if not on SWSIII), is a chart comparing some of the major benefits for members who die on active duty with those who die in a retired status. Additionally, examples are presented that illustrate why the expedited review for death imminent is so important, and why generally speaking; it is better for the member to be in a retired status at the time of death.

As one can see from the table in the attachment, there are few, if any advantages to being in an active duty status at the time of death. And the most significant differentiating benefit is often the SBP. The SBP annuity is calculated by multiplying the member's retired pay at the time of death by 55%.

As these examples show, the SBP benefit for a 100% disability-retired member will generally be equal to or greater than that for a member who dies on active duty. Why not retire members immediately when death seems likely or even possible? The decision is not always that easy.

First of all, the Coast Guard does not desire to cut short a member's career if recovery is feasible.

Additionally, as soon as a member is retired, his income will drop from his active duty pay to his retired pay. If the member survives for many months, the differential between his active duty and retired pay could cause quite a hardship to the member and his family. And finally, if the member is in a civilian hospital and is retired, the member will be required to pay his share of the medical costs under the appropriate Tricare program. If he/she survives for a significant length of time, medical costs could accumulate adding to the family's financial hardships. For these reasons, the CPEB, member's counsel, and others involved in the Expedited Review process must take their respective tasks very seriously.

I hope this explanation of the Expedited Review, or Death Imminent process removes some of the mystery from this important mechanism. Commands are reminded of their responsibility to initiate this process by notifying the Coast Guard Headquarters Command Center (202-267-2100) if a death imminent situation begins to develop. It is far better to call too early than to call too late. A copy of this Flag Voice is posted on CGPC-adm-1's Web Site. The contents of this Flag Voice should be brought to the attention of all Coast Guard members in command and staff leadership positions (military as well as civilian), as well as a general understanding by all military members.

Regards, FL AMES

**Subj: LPC "TARGETED" BASIC PAY INCREASE**

**Ref: (a) ALCOAST 168/99**

### **Entitlement Rate Changes**

HRSIC has implemented the "targeted" Basic Pay increase announced in paragraph 4 of reference (a), which becomes effective July 1, 2000. Depending on grade and years in service, members will see Basic Pay increases of up to 5.5%. Depending on pay grade, BAH DIFF rates have increased between 1 and 2%. Members receiving OUTCONUS COLA or CONUS COLA who experience a Basic Pay increase, **may** see a change in their COLA rates. July projected amounts on the June LES will reflect the above rate changes.

### **Websites**

Basic Pay rates effective July 1, 2000 can be accessed through website: <http://pay2000.dtic.mil/> New COLA rates can be accessed through website: <http://www.dtic.mil/perdiem/rateinfo.html>

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