

**Chapter 11 – Casualties and Decedent Affairs**

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**PART 1 – CASUALTIES**

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**Part 1 – Casualties**

**11101 POLICY**

- A. A report is required on all NOAA Corps officers who become casualties.
- B. A NOAA Corps officer on active duty who dies from service-connected causes will receive all rights and benefits allowed by law. A determination that the death was a result of non-service-connected causes will result in a forfeiture of all rights and benefits normally devolving upon the NOAA Corps officer's dependents and heirs for service-connected deaths.
- C. It is presumed that injury, disease, or death suffered by a NOAA Corps officer was incurred in the line of duty and was not the result of the member's willful misconduct. Clear and convincing evidence is required to overcome this presumption.
- D. Former active-duty NOAA Corps officers who are, at the time of death, hospitalized for illness or infirmity resulting from active duty in the NOAA Corps, shall be regarded as being on active duty only for the purposes of handling decedent affairs and disposition of personal effects.
- E. When a NOAA Corps officer dies while in a retired status, the surviving spouse or survivors as determined by 10 U.S.C. 2771 are entitled to, and must submit a claim for, any retirement pay or other unpaid monies due the NOAA Corps officer, up to and including, the date of death. [33 U.S.C. 3071(a)(15)] The surviving spouse or survivors must also notify other Government agencies, including the Veterans Administration (VA) and Social Security Administration, from which other financial benefits are being or may be received. If the retired NOAA Corps officer was at the time of death participating in the Retired Servicemen's Family Protection Plan (RSFPP), or the Survivor Benefit Plan (SBP), which replaced RSFPP for all personnel retiring with pay on or after January 21, 1972, survivors may be entitled to an annuity.

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11102 DEFINITIONS

- A. Casualty is broadly defined as a person whose services are lost to NOAA because of
- (1) illness, injury, or wound of a critical or serious nature;
  - (2) being missing; or
  - (3) death from service-connected or non-service-connected causes.
- B. Service-connected with respect to disability or death means that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in the line of duty. [33 U.S.C. 3072(a)(1); 38 U.S.C. 101(16)]
- C. Non-service-connected with respect to disability or death means that such disability was not incurred or aggravated, or that the death did not result from a disability incurred or aggravated, in the line of duty. [33 U.S.C. 3072(a)(1); 38 U.S.C. 101(17)]
- D. Line of Duty:
- (1) An injury or disease incurred during active service that is deemed to have been incurred in the line of duty and not the result of the NOAA Corps officer's own misconduct when the NOAA Corps officer on whose account benefits are claimed was, at the time the injury was suffered or disease contracted, in active service, whether on active duty or authorized leave, unless such injury or disease was the result of the person's own willful misconduct. Venereal disease shall not be presumed to be due to willful misconduct if the NOAA Corps officer reports and receives treatment for such disease, in accordance with NOAA Corps Directive (NCD) Chapter 3. [33 U.S.C. 3072(a)(1); 38 U.S.C. 105(a)]
  - (2) The requirement for the injury or disease to have been incurred with the line of duty is not be met if it appears that at the time the injury was suffered or disease contracted the NOAA Corps Officer on whose account benefits are claimed:
    - (a) was avoiding duty by deserting the service or by absenting him/herself without leave, materially interfering with the performance of duties;
    - (b) was confined under sentence of court-martial involving an unmerited dishonorable discharge or;

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- (c) was confined under sentence of civil court for a felony, as determined under the laws of the jurisdiction where the person was convicted by such court. [33 U.S.C. 3072(a)(1); 38 U.S.C. 105(b)]
- (3) For the purposes of any provision relating to the extension of a delimiting period under any education benefit or rehabilitation program administered by the VA, the disabling effects of chronic alcoholism shall not be considered to be the result of willful misconduct. [33 U.S.C. 3072(a)(1); 38 U.S.C. 105(c)]
- E. Active Service as used in this section includes full-time duty in the NOAA Corps. [33 U.S.C. 3072(a)(1); 38 U.S.C. 101(24)(A) & (21)(C)]
- F. Misconduct as used in this chapter is wrongful conduct. Simple or ordinary negligence or carelessness, standing alone, does not constitute misconduct. To support an opinion of misconduct, it must be established by clear and convincing evidence that the injury or disease was either intentionally incurred or was the proximate result of such gross negligence as to demonstrate reckless disregard of the consequences. If a resulting death is such that it could have been foreseen from the course of conduct, it is said to be a "proximate result." The fact that the conduct violates a law, regulation or order, or the fact that the conduct is engaged in while the individual is intoxicated, does not, of itself, constitute a basis for a determination of misconduct. Such circumstances must, however, be considered along with all other facts and circumstances in determining whether the conduct of the individual was grossly negligent and whether of the death was a proximate result of such conduct.

**11103 REPORTING PROCEDURES**

- A. A NOAA Corps officer's aircraft commander, commanding officer or immediate civilian supervisor shall, as soon as possible after learning that the NOAA Corps officer has become a casualty, ascertain and report to the next higher command, and the Commissioned Personnel Center (CPC), the circumstances of the situation. Information shall include:
  - (1) exact (or estimated) date and time of the casualty;
  - (2) exact time news of the casualty was received;
  - (3) immediate cause of the casualty (sickness, drowning, act of God, murder, etc.) and mode (accident, earthquake, gunshot, etc.);

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- (4) any suspected negligence or willful misconduct, the nature of such negligence or misconduct and the parties involved, and the basis for such belief; and
  - (5) other information thought to be relevant.
- B. The official acting as supervisor in section A above shall make immediate arrangements for the temporary storage of the body of a decedent and ensure that it suffers no manner of disrespect before it is transferred to the custody of the next of kin or legal representative.
- C. If the release of the body of a decedent is not expected in the near future because of some jurisdictional or legal difficulty involving a civil authority, etc., this fact shall be added to the report required in section A above, and plans will be developed by CPC to seek the release of the body.
- D. Each echelon shall allow no more than four hours to elapse before reporting a NOAA Corps officer's casualty to any next higher echelon of command.
- E. The ultimate recipient of the report of a casualty will be the Director, who will instruct the Director, CPC, to take appropriate action to notify the next of kin.
- F. Any NOAA unit who receives information of the death of a retired NOAA Corps officer, or of a discharged NOAA Corps officer who dies within 120 days after discharge, shall verify the fact and notify the Director, CPC, through the chain of command.

**11104 BOARD OF INVESTIGATION**

- A. Upon receipt of information as to the injury or death of a NOAA Corps officer resulting from or occurring in peculiar or doubtful circumstances, or as to the disappearance of a NOAA Corps officer, the Director may convene a fact-finding board of investigation as specified in NCD 10003. When such a board is ordered, instructions will be issued with the convening order outlining the method of procedure and the form in which the record and findings are to be submitted.

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- B. A board may be convened to examine the facts and circumstances surrounding any NOAA Corps officer's injury, death, or disappearance. To discharge its investigative duties, a board shall collect evidence, including personal interviews, telephone inquiries, and correspondence (as appropriate). Statements of witnesses should be elaborated on by questioning, if possible, to adequately establish the pertinent facts. It is ordinarily not necessary to take testimony under oath or to record testimony verbatim. A written report recording the board's findings and, as applicable, recommendation, shall be submitted to the Director. This information, in addition to use for the purposes of this chapter, may also form the basis of a disciplinary action.
- C. All personnel shall cooperate with and furnish such information within their knowledge or position as may be required by the board.
- D. Since reports of investigation provide the basis for line of duty and misconduct determinations, both within and outside of the NOAA Corps, the most expeditious action possible by the board should be taken.

**11105 MISSING STATUS**

- A. "Missing status" for the purpose of this section is the temporary casualty status of a NOAA Corps officer who is not voluntarily absent but whose whereabouts or actual fate is unknown.
- B. Conclusive evidence of death, which can be used in ruling out a "missing status" is defined as information (e.g., eyewitness statements; circumstances of disappearance; results of immediate search; and local conditions such as depth of water, temperature, and terrain) that immediately establishes, beyond any reasonable doubt, that the NOAA Corps officer in question could not have survived. Examination of remains is not a requirement since there are certain situations where the remains may never be recovered. The Director will make a determination of status.
- C. If evidence of death is inconclusive, the Director will make a determination of status, based on all available and relevant information including the report of a board of investigation. Additionally:

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- (1) If available information supports a clear possibility that the NOAA Corps officer is not dead but missing, administrative actions shall be governed by the provisions of the Missing Persons Act, as amended. [37 U.S.C. 551-558]
  - (2) The next of kin shall not be given any promise as to the length of time the NOAA Corps officer will remain on missing status, but shall be assured by the Director of receiving relevant information as the case progresses, and upon final determination of the case. The command to which the NOAA Corps officer was assigned shall also be informed of the final determination.
  - (3) Where a NOAA Corps officer has simply disappeared, and a determination has not been made whether the NOAA Corps officer's absence is voluntary or involuntary, he/she is not technically in a "missing status". It is necessary to consider the possibility of desertion because such a finding precludes payment of survivor benefits. Desertion, as used in this chapter, is defined as any NOAA Corps officer who, without authority, goes or remains absent from his unit/organization/place of duty with the intent to remain away permanently. However, there shall be a presumption that the NOAA Corps officer's service has been honorable. As provided for in NCD 11104, a board of investigation shall first consider the possibilities of accident, foul play, or illness, and will attempt to ascertain the NOAA Corps officer's last-known mental and physical condition, as well as any evidence of the NOAA Corps officer's intent to return or remain away permanently. A report submitted by the board to the Director shall contain a specific statement as to whether the NOAA Corps officer should be considered "missing status" as described in this section. Clear and convincing evidence of intention to remain away permanently is required to establish absence as desertion.
- D. Where it is administratively determined that a deceased NOAA Corps officer was absent without leave, the death gratuity authorized in NCD 11304 may be paid. The death gratuity shall not be paid where an administrative determination of desertion is made in connection with a deceased NOAA Corps officer. However, the death gratuity may be paid if an administrative determination of desertion in connection with a deceased NOAA Corps officer was erroneous, and it is subsequently administratively determined that the NOAA Corps officer was absent without leave.

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**11106 INJURY REQUIRING HOSPITALIZATION**

- A. When a NOAA Corps officer having sustained an injury requiring hospitalization is unable to contact his/her next of kin to apprise them of the situation, the Director, or a Casualty Assistance Calls Officer as provided for in NCD 11110, shall cause the exact nature of the infirmity to be established and shall promptly notify the next of kin that the NOAA Corps officer is receiving proper medical attention. If applicable, the next of kin will be notified when the NOAA Corps officer will return to the Continental United States and when the NOAA Corps officer will be able to receive visitors.

**11107 RELEASE OF INFORMATION**

- A. Names of casualties of any kind will not be released to any news media by any level of command before a lapse of four hours after positive notification of the next of kin. If more than one NOAA Corps officer is a casualty, each NOAA Corps officer will be handled as a separate case with respect to the four-hour rule. Every effort should be made to publicize actual names and addresses after the four hour lapse minimum, to reduce the anxiety of families of other personnel in the vicinity of the event producing the casualty.

**11108 DISPOSITION OF PERSONAL EFFECTS**

- A. In the case of a deceased NOAA Corps officer:
  - (1) The aircraft commander, commanding officer or immediate supervisor shall, upon the death of a NOAA Corps officer have all the personal effects of the decedent, including money, clothing, personal papers and miscellaneous articles collected and inventoried except in those cases where:
    - (a) the NOAA Corps officer does not occupy Government furnished quarters; and
    - (b) the widow/widower requires no assistance.

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- (2) Perishable effects of the decedent may be sold at a fair price by the official acting in section 1 above and the money added to the effects of the decedent.
- (3) The official acting as supervisor in section 1 above shall control the release of the decedent's personal effects to the next of kin after consultation with the Director, or the Director, CPC. Personal effects will not be shipped to the next of kin before that person has received official notification, by the Director, of the status of the original owner of the effects.
- (4) When the next of kin or legal representative is known, money found in the personal effects and money derived from the sale of perishable personal effects shall be forwarded to the appropriate person after consultation as provided for in section 3 above. When these persons are not known, such monies will be deposited to the credit of a special account. Claims for money in the special account must be filed within five years of the date of the discovery of money found in, or derived from the sale of, personal effects. After five years any unclaimed monies shall be deposited in the treasury as miscellaneous receipts.
- (5) Delivery of the personal effects of the NOAA Corps officer into the custody of other than the owner thereof, does not in any way vest title to the effects in the recipient. Delivery of the effects to the recipient is made so that distribution may be made in accordance with the laws of the State in which the owner of the effects was legally domiciled or to restore the effects to the NOAA Corps officer in the event of his/her return from missing status. When it is impracticable to divide the personal effects of deceased NOAA Corps officers into equal shares and two or more persons within a class, as provided in 10 U.S.C. 2771, are entitled to receive the effects or a share of the effects, but cannot agree among themselves as to which one of them shall receive the effects, then all of the effects may be delivered to one such person, and the other persons in the class concerned may be advised of the name of the person to whom the effects were delivered.
- (6) Shipment of personal effects of deceased NOAA Corps officers may be made at public expense. Items of particular value or items too large to be shipped (e.g., vehicles, trailers, etc.) will be held in custody by the unit to which the NOAA Corps officer was assigned pending disposal instructions by the Director.

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- (7) Whenever personal effects such as money, negotiable instruments, or articles of value are forwarded, they will be sent via registered mail accompanied by a copy of a letter of advice with a description of the items shipped and the registry number of the shipment. The original letter will be forwarded to the consignee under separate cover.
- B. The effects of a NOAA Corps officer in a “missing status” shall be collected, inventoried, and disposed of in the same manner as provided for in NCD 11108A.
- C. When a NOAA Corps officer is physically or mentally incapacitated so that he/she cannot care for his/her personal effects, the aircraft commander, commanding officer or immediate civilian supervisor shall cause such effects to be collected and inventoried and placed in safekeeping pending resolution of the NOAA Corps officer's status. In the event a transfer of the NOAA Corps officer, papers describing the inventory of the incapacitated NOAA Corps officer's personal effects and their disposition shall accompany the NOAA Corps officer, in the care of an attendant.

**11109 DETERMINATION OF RECIPIENT(S) FOR DISTRIBUTION OF PERSONAL EFFECTS/BENEFITS**

- A. Determination of next of kin or legal representative may be made on the basis of any or all of the following:
- (1) Officers Personnel File (OPF);
  - (2) other documents, including court dispositions, applicable to the case; and/or
  - (3) Title 10 U.S.C. 2771, which prescribes the precedence of the next of kin, or heirs to whom the personal effects may be delivered, namely, to the widow or widower; or if there is no widow or widower, then to a child or children; or if there is neither widow, widower, nor descendants, then to the parents equally; if either the father or mother is dead, then to the one surviving. If there is no widow, widower, child, father, or mother, then to the brothers and sisters and children of deceased brothers and sisters. However, such determination should be regarded as administrative rather than legal, as the determination does not vest title to effects in the next of kin, heirs, or legal representative to whom the effects are delivered. Therefore, a delivery of the personal effects to other than the owner will be made subject to an advisory note that should be written on a copy of the inventory or in a letter.

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**11110 CASUALTY ASSISTANCE CALLS OFFICER**

- A. Upon notification of the death or casualty involving an active-duty NOAA Corps officer that renders the NOAA Corps officer incapable of handling his/her affairs, the Director, shall appoint a Casualty Assistance Calls Officer (CACO). The Director shall determine the length of appointment; however, such an appointment shall not exceed six months. The CACO appointed shall continue to perform the duties of the billet where the CACO is permanently assigned. However, CACO duties and responsibilities shall have precedence over all but the most critical permanent assigned duties. Expenses associated with the performance of CACO duties shall be borne by CPC.
- B. The CACO shall provide reasonable assistance to the dependents of a decedent or any NOAA Corps officer(s) otherwise incapacitated as noted in section A above, to ensure that:
- (1) suitable arrangements are made for the burial or care of the NOAA Corps officer involved;
  - (2) all dependent and NOAA Corps officer entitlements under Federal law and these directives are received by the dependents or NOAA Corps officer involved;
  - (3) whatever personal services are available to assist them in adjusting to their new circumstances are provided; and
  - (4) all administrative requirements stipulated in these directives are met.
- C. The Director shall stipulate any additional CACO duties required in the CACO appointment letter. Courtesy copies of the appointment letter will be forwarded to the CACO's supervisor.

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**11111 RECORDS EXAMINATION BOARD**

- A. A NOAA Corps officer may request in writing that the Director appoint a Records Examination Board (REB) to determine whether or not information contained in his/her Official Personnel File (OPF), as it relates to the information contained in this chapter of the NCD, should be corrected or removed. The request must identify the specific information in the OPF which is to be reviewed. See NCD 10009 for details and requirements of a REB.

**Part 2 - Decedent Affairs**

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**11201 EXPENSES INCIDENT TO DEATH**

- A. The NOAA Corps may pay necessary expenses incident to the recovery, care, and disposition of the remains of a NOAA Corps officer who dies while on active duty. [33 U.S.C. 3071(a)(12), 10 U.S.C. 1482] The scope of such necessary expenses includes:
- (1) recovery and identification of remains;
  - (2) notification of next of kin or other appropriate person;
  - (3) preparation of the body including cremation if requested by the person designated to direct disposition of the remains;
  - (4) furnishing of a uniform or other clothing;
  - (5) furnishing of a casket or urn, or both, with outside box;
  - (6) hearse service;
  - (7) funeral director's services;
  - (8) transportation of remains to a designated place;
  - (9) interment of the remains;
  - (10) presentation of the U.S. flag; and
  - (11) transportation of the escort of the deceased.
- B. The NOAA Corps may also pay the expenses incident to death, listed in section A above, for a NOAA Corps officer who dies within 120 days after retirement from active duty.
- C. In general, the next of kin will be responsible for expenses incurred in excess of those normally offered by the Government under law.
- D. The Director, Commissioned Personnel Center (CPC), shall provide assistance to the next of kin, including guidance as to the intent of 10 U.S.C. 1482. [33 U.S.C. 3071(a)(12)]

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**11202 TRANSPORTATION OF DEPENDENTS AND EFFECTS**

- A. Transportation of the dependents of a NOAA Corps officer who dies while on active duty to the NOAA Corps officer's official home of record, or to such other location as may be determined in advance, or subsequently approved by the Director, is authorized. [37 U.S.C. 406(f); Joint Federal Travel Regulations (JFTR), Vol 1, paragraphs U5215(h), U5320(f) and U5421]
- B. Transportation, including the cost of packing and unpacking, of the personal and household effects of a NOAA Corps officer who dies on active duty to the NOAA Corps officer's official home of record, or, upon application of the NOAA Corps officer's dependents, to such other location as may be approved by the Director, is authorized. [37 U.S.C. 406(f); JFTR, Vol. 1, paragraphs U5372, U5455 and U5545]
- C. Dependent travel to and from the place of the funeral shall be governed by the provisions of JFTR, Vol. 1, paragraph U5242.

**11203 ELIGIBILITY FOR INTERMENT IN NATIONAL CEMETERIES**

- A. Title 38 U.S.C. 1002 (which is applicable to the NOAA Corps pursuant to 33 U.S.C. 3072(a)(1)), and other laws specifically cited herein authorize burial in national cemeteries under such directives as the Secretary of the Veterans Administration (VA) shall prescribe.
- B. NOAA Corps Officers Eligible for Interment in National Cemeteries
  - (1) Any NOAA Corps officer or former NOAA Corps officer whose last service terminated honorably by death, retirement, separated on, or otherwise, is eligible for burial in any national cemetery in which grave space is available.
  - (2) The spouse, widow, or widower of an eligible NOAA Corps officer may be buried in the same grave in which the NOAA Corps officer has been or will be interred if space is available. Widows or widowers of NOAA Corps officers lost or buried at sea or officially determined to be permanently absent in a status of missing or missing in action also may be buried in a national cemetery of their choice if space is available.

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If the spouse of a NOAA Corps officer should die first, he/she may be buried in a national cemetery provided that before burial the NOAA Corps officer executes an agreement to the effect that upon his/her death, he/she elects to be buried in the same grave in the national cemetery concerned to the exclusion of any other national cemetery. The superintendent of the cemetery will provide the forms for such an agreement.

- (3) Minor children of a NOAA Corps officer may be buried in a national cemetery but only in the same grave in which either parent will be or has been interred, if space therein is available. Should the death of the child occur before that of either of the parents, interment may be made upon execution by the service-connected parent of the agreement specified in section 2 above. Not more than one gravesite may be used for the interment or future interment of the persons involved in the spouse-parent-child relationship, namely, the service-connected person, his/her spouse (widow or widower) and eligible children of such service-connected person.
- (4) Except where a prior written commitment was made, interment of adult children is authorized in national cemeteries only if they were unmarried and physically or mentally disabled and incapable of self-support and consequently dependent for support upon the parents, or on others if both parents are deceased. In application of these regulations, the term "unmarried persons" 21 years of age or over will be restricted to those who were in fact, up to the time of death, dependent for support upon the service-connected parent or surviving spouse because of physical or mental condition. Burial of such eligible child may be made only in the same grave in which the service-connected parent has been or will be interred, provided space therein is available. Should the death of an eligible adult child occur before that of either of the parents, interment may be made upon certification of the service-connected parent that he/she will be buried eventually in the same grave.

**C. Persons Ineligible for Interment in National Cemeteries**

- (1) Fathers, mothers, and in-laws are not eligible for interment in a national cemetery by reason of relationship to a NOAA Corps officer regardless of whether they are dependent upon the officer for support and/or are members of his/her household.
- (2) Non-service connected spouses who have been divorced from, or have remarried subsequent to the death of, the service-connected spouse are not eligible for burial in national cemeteries based on the service connected ex-spouse's service.

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- (3) A NOAA Corps officer whose separation was effected under other than honorable conditions is not eligible for burial in a national cemetery notwithstanding the fact that they may have received veterans benefits, treatment in a VA hospital, or that they died in such a hospital.

**11204 RESERVED GRAVESITES**

- A. Regulations governing national cemeteries provide that gravesites will not be reserved. Gravesites are assigned only upon immediate requirement for burial purposes.

**PART 3 - Benefits**

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**Part 3 - Benefits**

**11301 GENERAL**

- A. Benefits for a NOAA Corps officer and their dependents are provided by laws administered by the Department of Veterans Affairs (VA), Social Security Administration (SSA), and NOAA. [33 U.S.C. 3072(a)(1) & (3)] When a NOAA Corps officer dies, either while serving on active duty or after retirement, the Director, Commissioned Personnel Center (CPC), should be notified by expeditious means possible with the information as specified in NCD 11103. The necessary forms to enable the next of kin (if within the permitted class of dependents) to apply for a pension or compensation will be forwarded by the Director, CPC, together with information as to additional documents which may be required by the VA, SSA, and/or NOAA. The Director, CPC, will endeavor to advise all claimants of available benefits. However, all matters relating to the many benefits provided by laws administered by the VA and the SSA are entirely within the jurisdiction of these agencies. Their determinations are not subject to any review by NOAA. The claimant should handle any question of eligibility directly with the above agencies.

**11302 BENEFITS FOR NOAA CORPS OFFICERS**

- A. Under VA regulations, certain benefits are available for NOAA Corps officers whether retired or separated and for certain members of their families. Some of these benefits are also available for NOAA Corps officers on active duty. To be eligible for these benefits, in addition to other qualifications, the NOAA Corps officer must have been separated from the NOAA Corps under conditions other than dishonorable. Substantiating documents necessary to support a NOAA Corps officer's claim for benefits are outlined in NCD 11303. A statement of service and/or DD Form 214 is required for active-duty personnel. Even though the NOAA Corps officer, dependents, and/or survivors may be entitled to certain benefits, no benefit can start until after a claim has been filed. Filing the necessary claims is the responsibility of the person who may be eligible for the benefit. The VA administers most of the benefits and other programs applicable to former NOAA Corps officers. Even if the VA does not administer a program, its contact representatives are well informed about all Federal and State programs that apply to the NOAA Corps officers.

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**11303 SUBSTANTIATING DOCUMENTS**

- A. The following substantiating documents are required for VA, SSA, and NOAA benefits:
- (1) proof of marriage (copy of original certificate of marriage preferred);
  - (2) in the event of prior marriage, certified copy of certificate of death or divorce decree of former husband or wife, as the case may be;
  - (3) certified copies of birth certificates of children under 18 years of age; and
  - (4) a certified copy of birth certificate of spouse, if the NOAA Corps officer is a participant in the Survivor Benefit Plan.
- B. Copies of the documents listed above should be filed with CPC in the NOAA Corps officers Official Personnel File (OPF), to avoid delay in forwarding application for death benefits payable by the NOAA Corps. In addition, copies of these documents should be retained by the NOAA Corps officer for submission to the proper agencies for benefits.

**11304 DEATH GRATUITY**

- A. Except as provided in section H below, the Director shall have a death gratuity paid to or for the survivor prescribed in section C below immediately upon receiving official notification of the death of a NOAA Corps officer who dies while:
- (1) on active duty;
  - (2) performing authorized travel to or from active duty; or
  - (3) performing travel to or from or while at a place for final acceptance for entry into active duty, who has been ordered or directed to go to that place and who has been provisionally accepted for that duty. [33 U.S.C. 3071(a)(12); 10 U.S.C. 1475]
- B. Except as provided in section H below, the Director shall have a death gratuity paid to or for the survivor (prescribed by section C below) of any NOAA Corps officer who dies within 120 days after discharge or release from active duty, if the VA determines that the death resulted from:

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- (1) disease or injury incurred or aggravated while performing active duty; or
- (2) authorized travel to or from active duty.

The standards and procedures for determining the incurrence or aggravation of a disease or injury are those applicable under the laws relating to disability compensation administered by the VA, except that there is no requirement under this paragraph that any incurrence or aggravation has been in the line of duty. [33 U.S.C. 3071(a)(12); 10 U.S.C. 1476(b)]

C. A death gratuity payable on the death of a NOAA Corps officer under the conditions specified in sections A and B above, shall be paid to, or for the living survivor listed in order of precedence on the following list: [33 U.S.C. 3071(a)(12); 10 U.S.C. 1477]

- (1) surviving spouse;
- (2) children as prescribed in 10 U.S.C. 1477;
- (3) any one or more of the following persons if designated by the NOAA Corps officer:
  - (a) parents, or persons acting in loco parentis (in the place of the parents), as prescribed in section D below;
  - (b) brothers and sisters;
- (4) parents, or persons acting in loco parentis, as prescribed in section D below, in equal shares; or
- (5) brothers and sisters, in equal shares.

(Section C (3)(b) and section C (5) above) include brothers and sisters of half-blood through adoption.)

D. The persons acting in loco parentis cited above include fathers and mothers through adoption, and persons who stood in loco parentis to the decedent for not less than one year before he/she acquired the status described in section A or B. However, only one father and one mother, or their counterparts in loco parentis, may be recognized in any case, and preference shall be given to those who exercised a parental relationship on the date, or most nearly before the date, on which the decedent entered that status.

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- E. If an eligible survivor dies before receiving the death gratuity, it shall be paid to the living survivor next in the order prescribed by section C.
- F. The death gratuity described herein shall be \$6,000 [33 U.S.C. 3071(a)(12); 10 U.S.C. 1478] or such amount as may be authorized by statute in future years.
- G. For the purpose of making immediate payments under section A above, the Director shall authorize:
  - (1) the commanding officer of a territorial command, installation, or district in which a survivor of a NOAA Corps officer covered by that section is residing to determine the beneficiary eligible for the death gratuity; and
  - (2) a disbursing or certifying NOAA Corps officer of each of those commands, installations, or districts to make the payments to the beneficiary, or certify the payments due them. [33 U.S.C. 3071(a)(12); 10 U.S.C. 1479]
- H. Payment of a death gratuity may not be made under these provisions if the decedent was put to death as lawful punishment for a crime or a military offense, unless put to death by a hostile force with which the United States was engaged in armed conflict; or was discharged or released from active service under conditions other than honorable from the last duty performed. The Director shall determine whether the decedent was authorized or required to perform active duty, and whether or not the decedent died from injury so incurred. [33 U.S.C. 3071(a)(12); 10 U.S.C. 1480] The burden of proof is on the claimant in any case covered herein.
- I. Payment of death gratuities shall be made from appropriations available for payment to NOAA Corps officers. [33 U.S.C. 3071(a)(12); 10 U.S.C. 1480(d)]

**11305 UNPAID PAY AND ALLOWANCES**

- A. In settling the accounts of a deceased NOAA Corps officer, active or retired, payments of any amounts due from the NOAA Corps will be made to the person listed in order of precedence on the following list who is living on the date of the death of the NOAA Corps officer: [33 U.S.C. 3071(a)(15); 10 U.S.C. 2771]
  - (1) beneficiary designated by writing to receive such an amount if the designation is received by the Director, CPC before the deceased NOAA Corps officer's death;
  - 2) surviving spouse;

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- (3) children and their descendants, by representation;
  - (4) father and mother in equal parts, or, if either is dead, the survivor;
  - (5) legal representative; or
  - (6) person entitled under the laws of the state in which the deceased NOAA Corps officer was domiciled.
- B. The Record of Emergency Data, (NOAA Form 56-14), shall be used to designate or change a designation of the person to receive unpaid pay and allowances. A NOAA Corps officer may also make or change a designation by a properly witnessed and dated letter.
- C. When the Director, CPC, receives notification of the death of a NOAA Corps officer, a claim form SF-1174 (Claim for Unpaid Pay and Allowances of Deceased Member of the Uniformed Services) will be sent to the next of kin or other, as designated, for signature requesting payment of the NOAA Corps officer's unpaid pay and allowances.
- D. A payment under 10 U.S.C. 2771 bars recovery by any other person of the amount paid. [10 U.S.C. 2771(d)]. [33 U.S.C. 3071(a)(15)]

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SUMMARY OF BENEFITS

A. The benefits listed in the following table are the most important Federal benefits that have been provided and may be available to NOAA Corps officers, their dependents, and/or survivors. These benefits, other than those paid by NOAA, are entirely within the jurisdiction of the administering agencies. The determination of entitlement to benefits is dependent upon the NOAA Corps officer's service status, dependency of dependents and/or survivors; and, in the case of survivor information or assistance on benefits other than those administered by NOAA, reliance must be placed on the contact activity at any Veterans Administration (VA) facility. The following table indicates the many types of benefits, the administering agency and their applicability to active-duty, retired and discharged NOAA Corps Officers officers, dependents and/or survivors.

BENEFITS	ACTIVE DUTY	RETIRED OR DISCHARGED	DEPENDENTS AND/OR SURVIVORS
<b><u>VA Administered Benefits</u></b>			
Dependency and Indemnity Compensation			X <sub>1</sub>
Compensation for Service Connected Disability		X <sub>2</sub>	
GI Bill Education and Training	X	X	
Orphans Education Assistance		X	X
GI Loans for Homes, Farms, and Businesses	X	X	X
Servicemen's Group Life Insurance	X		
Hospitalization, Outpatient Medical & Dental Treatment		X	
Burial Allowance			X
Burial in National Cemeteries	X <sub>3</sub>	X <sub>3</sub>	X <sub>3</sub>
Headstone or Grave Marker	X	X	X
Burial Flag			X
<b><u>Social Security Administered Benefits</u></b>			
Social Security Lump-Sum Benefits			X
Monthly Survivors Payment for Eligible Dependents			X
Retirement Benefits		X	
Disability Benefits		X	
<b><u>Other Benefits</u></b>			
FHA Home Mortgage Insurance	X		
<b><u>NOAA Administered Benefits</u></b>			
Death Gratuity			X <sub>4</sub>
Unpaid Pay and Allowances			X <sub>5</sub>
Survivor Benefit Plan			X <sub>6</sub>
Expenses Incident to Death	X <sub>7</sub>	X <sub>7</sub>	

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## Dependency and Indemnity Compensation (DIC) (Notes to NCD 11301)

1. Death Due to Service-Connected Disability - DIC payments may be authorized for surviving spouses, unmarried children under 18, helpless children, those between 18 and 23 if attending a Veterans Administration (VA) approved school, and low-income parents of NOAA Corps officers who died from:
    - (a) a disease or injury incurred or aggravated in the line of duty while on active duty; or
    - (b) an injury incurred or aggravated in the line of duty; or
    - (c) a disability compensable by VA. Death cannot be the result of willful misconduct [33 U.S.C. 3072(a)(1); 38 U.S.C. 1101 et seq.]
  2. Death due to a non-service connected cause - DIC payments also may be authorized for surviving spouses, unmarried children under 18, helpless children, and those between 18 and 23 if attending a VA approved school, of NOAA Corps officers who were totally service connected disabled at time of death but whose deaths were not the result of their service connected disability, if:
    - (a) The NOAA Corps officer was continuously rated totally disabled for a period of ten or more years immediately preceding death; or
    - (b) the veteran was so rated for a period of not less than five years from the date of discharge from active service. Payments under this provision are subject to offset by the amount received from judicial proceedings brought on account of the veteran's death. When death occurred after service in the NOAA Corps, the veteran's discharge must have been under conditions other than dishonorable.
- B. Compensation for service connected disability is a monthly payment to the NOAA Corps officers who are disabled by injury or disease incurred or aggravated by active-duty service in the line of duty. The service of the NOAA Corps officer must have terminated through separation or discharge under conditions other than dishonorable. Allowances are also paid for certain family dependents when the extent of disability is 30 percent or more. [33 U.S.C. 3072(a)(1); 38 U.S.C. 1135] Retired NOAA Corps officers may elect to receive disability compensation in lieu of retired pay. See NOAA Corps Directives (NCD) Chapter 8, Part 6.

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- C. Burial in National Cemeteries (see NCD 11203);
- D. Death Gratuity (see NCD 11304);
- E. Unpaid Pay and Allowances (see NCD 11305);
- F. Survivor Benefit Plan (see NCD 02501); or
- G. Expenses Incident to Death (see NCD 11201).