

SECTION 6: OTHER CONSIDERATIONS

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6-1 PX and Commissary

Military retirees have access to PX and Commissary privileges on military bases. Individuals collecting 100% VA compensation also have these privileges. In the event of death of the veteran the spouse retains these privileges.

As of 2005 permanent ID cards will be issued to dependents 75 years of age and older.

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6-2 Divorce

The VA:

The law for remarried spouses has changed numerous . Prior to Nov. 1, 1990 a spouse divorced from a veteran and remarried could regain status as a surviving spouse if the second marriage ended in a divorce. The law on this changed from 1990 - 1998, the spouse during this time period could not regain benefits if he or she ended the remarriage through divorce.

In the summer of 1998 the law changed back to the pre November 1990 status in regards to D.I.C.. Once again a spouse could regain their benefits by divorcing.

Annulment does restore your status as surviving spouse. This is true even after the Nov. 1, 1990 date.

Due to the changes in the law during the last decade it is strongly recommended that a spouse who has remarried and divorced, go to Regional Office or a Veterans Benefits Officer to clarify their exact benefit status.

DOD:

There are rules in the case of divorce, for military members these include:

It is foregone conclusion that after a certain period of marriage a court can award a portion of retirement pay after 10 years of marriage. The amount can vary from nothing to 65% dependent on children, the split of community property, debt, etc.

Without the veteran's consent, disability retirement cannot be sent to the spouse even if there is a court order that it must go.

The spouse may have medical benefits and commissary and exchange privileges based on:

The 20 20 20 rule.

20 Years of marriage Servicemember spent

20 years on active duty

20 years of marriage occurred while vet was on active duty

Remarriage ends these benefits, but death, divorce or annulment ending second marriage can lead to restoring PX and commissary privileges.

The spouse may have medical care for life after divorce based on the 20 20 15 rule:

20 years of marriage the vet spent 20 years on active duty.

Between 15 and 20 years of marriage occurred during the active duty period.

The final divorce decree was before April 1, 1985

Remarriage ends this benefit.

The spouse may get 1 year of medical care if they meet only some of the 20 20 15 provisions.

These rules are complicated, assistance is recommended.

There is a support group and information center for divorced military wives:

EX-PARTNERS OF SERVICEMEN/WOMEN

FOR EQUALITY (EX-POSE) PO Box 11191

Alexandria, VA 22312

(703) 941 5844

www.EX-POSE.org

Editor's Note: It would seem logical that a spouse who meets the 20 20 20 rule qualifications would be eligible for TRICARE for Life, however we could not clarify this point at the time of publication.

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6-3 Bigamy

The VA may find for the second wife it can be established that she had no knowledge of the first wife or the illegality of the marriage. This is complicated if the first wife asks for benefits; double payments go down hard with the government. In the case of dependent children, illegitimate offspring are recognized as dependents.

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6-4 Lost Pension or Compensation Checks:

What to do if a check from the VA is lost:

1. Notify RO. You may be told that you have to put this in writing requesting a replacement check. Replacement can take weeks.

2. If the person needs the money for basic things, such as buying food, paying the rent ET. Cetera,, the vet can go to RO and speak with the Agent Cashier. They may or may not help. A person has the right to call their local Congressman and ask for favorable treatment.

VA checks are invalid after one year. You would write to Regional Office for a Replacement checks if you had been hoarding them in a mattress etc.

Checks are mailed to arrive at the first or second of the month. A vet should be concerned if a check is not received by the fifth.

The best action is to sign up for direct deposit. This is a very easy, safe process.

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6-5 Widow's Income Tax

IRS rules are always being updated. Verify the following with IRS to ensure that you are following current law.

In the year of the veteran's death the spouse and veteran will be considered as though they had been married for the entire year. If the spouse does not remarry in that tax year, there is the option for filing a joint return and claiming exemptions for both.

The surviving spouse may be entitled to the surviving spouse benefit. This enables the spouse to compute taxes using the tax rate schedule under the heading married taxpayers filing joint returns and certain widows and widowers. There is the potential of substantial tax savings.

To qualify you must:

1. You must be entitled to file a joint return for the year of death. (You don't have to actually file jointly).
2. You have not remarried
3. You have a child or stepchild who qualifies as your dependent; and
4. You furnish over half the maintenance of your home, which is the principal abode of your dependent child or stepchild, except for temporary absences.

Check with the IRS for eligibility to file in this category.

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6-6 Point Preference in Government Employment

There are instances where a spouse can use the points that a disabled veteran has towards a government position. Normally, the veteran's SC disability must stop them from returning to their normal line of work.

Questions on eligibility to claim this point preference by the spouse should be researched with your nearest Regional Office. They must certify that you are eligible before you can use the benefit.

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6-7 Non-Competitive Federal Employment

In October of 2008 President Bush signed an executive order directing federal agencies and departments to bypass competitive hiring rules and directly hire certain military spouses to civilian federal jobs. The spouses covered are those who are either:

- Spouses of military service members who are on active duty under orders that authorize a permanent change of station move — assuming the spouse is moving, too.
- Spouses of totally disabled retired or separated members of the armed forces.
- Widows or widowers (who have not remarried) of service members killed on active duty.

It is not fully clear how this will impact federal employment. However, our recommendation for a spouse who is seeking employment and meets the criteria above would be to go the Human Resource Office of a facility such as a VA Medical Center (or other federal agency) and inquire about the procedure.

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