

Series 3

STATE OF WEST VIRGINIA
ADJUTANT GENERAL'S DEPARTMENT
CHARLESTON 25305

WVaMR(ARMY) 608-4

WVa MILITARY REGULATION (ARMY)
NUMBER 608-4

2 January 1969

PERSONAL AFFAIRS

BENEFITS FOR ARNG MEMBERS OR THEIR SURVIVORS

1. Inclosed is an information chart (Tables I through IV) indicating benefits available to members of the ARNG or their survivors, in those cases where the ARNG member is injured, contracts a disease, or dies as a result of National Guard training activities.
2. The inclosed tables can be used as a guide only, since laws and circumstances vary in each case, and do not fall into clear-cut categories that can be covered by one stock answer.
3. In using the inclosed tables, it must be borne in mind that the benefits shown are based on current laws which are subject to change, as well as being subject to various legal interpretations.

FOR THE GOVERNOR:

1 Incl
as

William E. Miller
WILLIAM E. MILLER
COL, Inf, WVaARNG
Acting Adjutant General

Change)
)
No. 1)

STATE OF WEST VIRGINIA
ADJUTANT GENERAL'S DEPARTMENT
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8 April 1969

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WVaMR(ARMY) 608-4, 2 January 1969, is changed as follows:

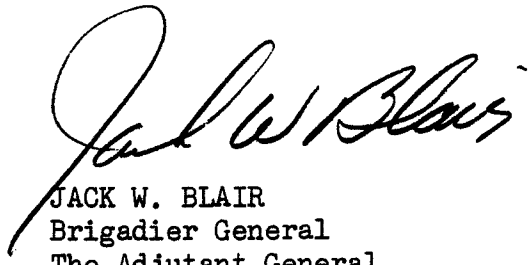
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FOR THE GOVERNOR:



JACK W. BLAIR
Brigadier General
The Adjutant General

TABLE I

GENERAL GUIDE TO BENEFITS FOR ARNG MEMBERS OR THEIR SURVIVORS IN CASE OF DISEASE,
INJURY, OR DEATH WHILE ENGAGED IN INACTIVE DUTY TRAINING OR ACDUTRA (FTTD)**

BENEFITS	Inactive Duty Tng and Aerial Flights IN LINE OF DUTY		ACDUTRA (FTTD) (1 thru 30 days) IN LINE OF DUTY		ACDUTRA (FTTD) (31 days or more) IN LINE OF DUTY		Any Auth Tng (Incurred NOT IN LINE OF DUTY)	
	INJURY	DISEASE	INJURY	DISEASE	INJURY	DISEASE	INJURY	DISEASE
Pay and Allowance	Yes	No	Yes ^l	Yes ^a	Yes	Yes	b	b
Medical Care	Yes	No	Yes	Yes ^a	Yes	Yes	b	b
Disability Retirement or Severance Pay	Yes ^{c,d}	No	Yes ^{c,d}	No	Yes ^{d,e}	Yes ^{d,e}	No	No
Death Gratuity	Yes	Yes	Yes	Yes	Yes	Yes	Yes ^f	Yes ^f
Dependency and Indemnity Compensation	Yes	No	Yes	Yes	Yes	Yes	No	No
Mortuary Services	Yes	Yes	Yes	Yes	Yes	Yes	k	k
Social Security Death Benefits	g	g	g	g	g	g	g	g
State Workmen's Compensation	h	h	h	h	h,i	h,i	No	No
Orphans Education Assistance	Yes	No	Yes	Yes	Yes	Yes	n	n
Servicemen's Group Life Insurance	No	No	No	No	Yes ^j	Yes ^j	j,m	j,m
Miscellaneous VA Benefits	n	n	n	n	n	n	n	n

** A member ordered to perform training including voluntary participation in authorized aerial flights under Sections 502, 503, 504, or 505, Title 32, US Code WITH or WITHOUT pay is entitled to the same pay and allowances, pensions, hospital benefits, and other compensation as Regular Army members when disabled in line of duty from DISEASE, when performing training during a period of over 30 days or disabled from INJURY when performing training for any period of time. (Paragraph 53, NGR 58)

TABLE I (Cont'd.)

- Notes: a. Pay and allowance for 6 months beyond end of prescribed training period only. Thereafter, subsistence only. (Paragraph 53b NGR 58). Hospitalization until the resulting disability cannot be materially improved by further hospitalization or treatment.
- b. ACDUTRA - eligible for benefits indicated only during period of training. INACDUTRA - not entitled to pay and allowances beyond the date of performance of such inactive duty training. Not entitled to medical care at Army expense.
- c. Injury must be the proximate result of performance of training duty. (10 USC 1204(2)). Injury incurred while on authorized leave or pass not covered.
- d. Effected by DA as a result of action by Physical Evaluation Board established by AR 635-40.
- e. Authorized by paragraph 11b NGR 62. Must be in line of duty; however, need not be the proximate result of performance of duty.
- f. Death need not occur in line of duty. Sec 321 Title 32 USC.
- g. Upon application by survivors and upon determination by Social Security Administration. Generally payments will be made to widow until the youngest child reaches 18.
- h. When determined to be eligible by proper authorities, amount of compensation reduced by amount of compensation received from Federal government.
- i. Injury or disease incurred during REP ACDUTRA not covered by State Workmen's Compensation.
- j. Payable to designated beneficiary, if none, to widow, children, parents. Amount dependent on whether waiver or reduction of coverage was elected by member.
- k. Compensable only if death occurs while on duty. No benefits if death occurs after the end of the training period and not in line of duty.
- l. Pay and allowance as long as member is disabled or until case is disposed of. Sec 319 Title 32 USC.
- m. SGLI coverage only for tours of duty 31 days or more. AR 608-2.
- n. As determined by Veterans Administration.

*Change 1 - Incl to WVA MR (ARMY) 608-4, 8 April 1969

TABLE II

GENERAL GUIDE TO BENEFITS FOR ARNG MEMBERS OR THEIR SURVIVORS IN CASE OF DISEASE, INJURY, OR DEATH UNDER CERTAIN CONDITIONS INCIDENT TO INACTIVE DUTY**, ACDUTRA (FTTD)**, OR ACTIVE DUTY

BENEFITS	*Travel Directly To or From INACTIVE DUTY TNG		*Travel Directly to or From ACDUTRA (1 Thru 30 Days)		*Travel Directly To or From ACDUTRA (31 Days or More)		Authorized Travel To or From ACTIVE DUTY	
	INJURY	DISEASE	INJURY	DISEASE	INJURY	DISEASE	INJURY	DISEASE
Pay and Allowance	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Medical Care	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Disability Retirement or Severance Pay	Yes ^a	No ^c	Yes ^a	No ^c	Yes ^b	Yes ^b	Yes ^d	Yes ^d
Death Gratuity	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Dependency and Indemnity Compensation	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Mortuary Services	Yes ^f	No	Yes ^f	Yes ^f	Yes ^f	Yes ^f	Yes	Yes
Social Security Death Benefits	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
State Workmen's Compensation	e	e	e	e	e	e	No	No
Orphans Education Assistance	i	i	i	i	i	i	i	i
Servicemen's Group Life Insurance	No	No	No	No	Yes ^g	Yes ^g	h	h
Miscellaneous VA Benefits	i	i	i	i	i	i	i	i

*In determining the relative directness of a member's travel, the law requires certain factors to be considered. These are:

- (1) The time a member began his travel.
- (2) Time member was scheduled to arrive for training or time training terminated.
- (3) Method of travel used.
- (4) The itinerary.
- (5) The manner in which travel was performed.
- (6) The immediate cause of death.

TABLE II (Cont'd.)

**A member ordered to perform training including voluntary participation in authorized aerial flights under Sections 502, 503, 504, or 505 Title 32 US Code WITH or WITHOUT pay is entitled to the same pay and allowances, pensions, hospital benefits, and other compensation as Regular Army members when disabled in line of duty from DISEASE, when performing training during a period of over 30 days or disabled from INJURY when performing training for any period of time. (Paragraph 53 NGR 58).

- Notes: a. Sec 1204(2) Title 10 USC. Disability has to be the proximate result of performance of duty.
- b. Sec 1201 Title 10 USC. Paragraph 11b NGR 62. Disability must be in line of duty. Need not be as the proximate result of performance of duty; i.e., disability may occur while on authorized leave or pass.
- c. No disability benefits from disease for periods of active duty less than 31 days.
- d. Note "a" above applies if period of active duty is less than 31 days. Note "b" above applies if period of active duty is 31 days or more.
- e. Eligibility for benefits to be determined by proper authorities based on circumstances surrounding a case.
- f. If death occurs after the end of the training period, injury causing death must have been in line of duty.
- g. Amount dependent on whether waiver or reduction of coverage was elected by member.
- h. Active duty period must be over 30 days.
- i. As determined by Veterans Administration.

TABLE III

GENERAL GUIDE TO PRIVILEGES TO WHICH WIDOWS OF GUARDSMEN WHO DIE INCIDENT TO INACTIVE DUTY TRAINING, ACDUTRA (FTTD), OR ACTIVE DUTY

When Death Occurs:	As a Result of Injury Incurred During IN-ACTIVE DUTY TRAINING. Death Not on Same DATE	While on INACTIVE DUTY TRAINING	On ACDUTRA (FTTD)	ON ACTIVE DUTY (In Line of Duty)
Post Exchange ^a	No	Yes	Yes	Yes
Commissary	No	No	Yes ^b	Yes
Medicare	No	No	No	Yes ^c

Notes: a. Widows defined in paragraph 43, Appendix I, AR 60-20.

b. Widows of members on ACDUTRA over 72 hours (paragraph 253, AR 31-200 as amended).

c. Authorized by AR 40-3, Appendix I.

TABLE IV

MEMBER AND SURVIVOR BENEFITS

BENEFIT	GENERAL DESCRIPTION
<p>1. Death Gratuity</p>	<p>Amount of gratuity: Equal to 6 months' basic pay (includes special and incentive pay). Minimum payment \$800; maximum payment \$3,000.</p> <p>Payable to widow, children, elected beneficiary, parent, or brothers and sisters in order of succession.</p> <p>Death need not occur in line of duty.</p> <p>If death occurs within 120 days after discharge or release from duty as a result of disease or injury incurred or aggravated on active duty or ACDUTRA (FTTD); injury incurred or aggravated while on inactive duty training or while proceeding directly to or returning from authorized ACDUTRA or inactive duty training, the gratuity may be paid by the Department of Army after appropriate determination by the Veterans Administration.</p> <p>This benefit is administered by the Department of the Army.</p>
<p>2. Dependency and Indemnity Compensation</p>	<p>Amount of compensation: \$120 plus 12% of decedent's basic pay for the grade held at time of death.</p> <p>Payable to widow. If there is no eligible widow, DIC is paid in equal shares to the children of the decedent at the following monthly rates:</p> <ul style="list-style-type: none"> 1 child: \$80 2 children: \$115 3 children: \$149 More than 3 children: \$149 plus \$29 for each child in excess of three <p>A child's benefit continues until he attains age 18 or age 21 if he is in attendance at an approved educational institution.</p> <p>If a widow remarries, she becomes permanently ineligible for compensation. Otherwise DIC is payable for the widow's lifetime and income from other sources will not affect the amount she is entitled to.</p>

TABLE IV (Cont'd.)

BENEFIT	GENERAL DESCRIPTION
	<p>Parents are eligible beneficiaries of DIC; however, the amount that they would receive depends upon the amount of income received from other sources.</p> <p>DIC is administered by the Veterans Administration.</p>
<p>3. Social Security Survivor</p>	<p>Payment is not automatic. Benefits must be applied for by survivors.</p> <p>Social Security lump-sum death benefit range between \$132 to \$255. This lump sum is in addition to survivor benefits.</p> <p>Amount of Social Security Survivor Benefits to dependent children will be based on decedent's "average yearly earnings" credit accumulated.</p> <p>Widow will receive payments as long as she is caring for a child entitled to survivor payments (age 18; age 22 if unmarried and a full-time student). When a widow reaches age 60, she can begin receiving survivor payments even though she is no longer caring for a child entitled to payments.</p> <p>Dependent parents can, at age 62, receive survivor payments.</p>
<p>4. Servicemen's Group Life Insurance</p>	<p>Payable to designated beneficiary. Maximum \$10,000; \$5,000 if member has elected coverage in that amount.</p>
<p>5. Orphans Education Assistance</p>	<p>Parent or Guardian of decedent's child must file an application with VA unless eligible person is of legal age.</p> <p>Period of eligibility: Upon graduation from high school or age 18 and age 23.</p> <p>Monthly rates: \$130 a month if enrolled full time; \$95 three-quarters time; and \$60 half time.</p> <p>Length of schooling: 36 months of equivalent.</p> <p>Tuition and fees paid by Veterans Administration.</p>

TABLE IV (Cont'd.)

BENEFIT	GENERAL DESCRIPTION
<p>6. State Workmen's Compensation</p>	<p>Compensation paid to a member or his dependents by the State will be reduced in all cases by the amount of compensation received from the Federal Government for the same injury or death.</p> <p>Current State Workmen's Compensation provisions provide for the following:</p> <ul style="list-style-type: none"> Maximum sum of \$35,100 for permanent partial disability. Maximum sum of \$35,100 for death of a member. Maximum sum of \$1,000 for funeral and burial allowance. <p>For permanent total disability, the injured member will receive a weekly benefit equal to 66-2/3% of his average weekly wages, but not more than \$204.22 per month - nor less than \$24.00 per week.</p> <p>For permanent partial disability, the injured member will receive a weekly benefit identical to that of a permanent total disability, but with an expiration date determined by the extent and duration of his disability.</p> <p>Duration of dependent's weekly benefits on death of member:</p> <ul style="list-style-type: none"> To a widow, until death or remarriage, with 2 years' compensation in one sum upon remarriage. To or for a child, so long as unmarried until attainment of the age of 18. <p>Medical care, medical and vocational rehabilitation benefits are also provided under State Workmen's Compensation.</p>
<p>7. Disability Retirement or Severance Pay</p>	<p>Under present law, the compensation depends upon the degree of disability, the number of years service creditable for retirement purposes, and grade of the member upon retirement or discharge. Member may elect VA disability compensation benefits if deemed more advantageous. For members separated with severance pay, see AR 634-40 for computation of disability severance pay.</p>