



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

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April 27, 1973

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The Honorable Elliot L. Richardson
The Secretary of Defense

Dear Mr. Secretary:

Further reference is made to letter dated March 5, 1973, from the Acting Assistant Secretary of Defense (Comptroller), in which a decision is requested as to whether existing procedure pertaining to the inscription "unremarried widow" on checks payable to widows under the Retired Serviceman's Family Protection Plan and the Survivor Benefit Plan, Chapter 73, of title 10, United States Code, may be amended by obtaining a one-time certification from the widow at the time the widow's payments are established in lieu of present procedure. Department of Defense Military Pay and Allowance Committee Action No. 469, containing a discussion of the matter is enclosed with the letter.

The Committee Action explains that under the Retired Serviceman's Family Protection Plan and the Survivor Benefit Plan, a member of the armed forces may elect to accept reduced retired or retainer pay in order to provide an annuity to certain specified beneficiaries upon his death. An annuity payable to or on behalf of the surviving spouse ceases upon the death or remarriage of the surviving spouse, with the exception that if remarriage occurs after the surviving spouse attains age 60 the annuity will continue undisturbed.

It is stated that under current procedure of the military services, the inscriptions on checks payable to widows under the Plans bear the qualifying legend "unremarried widow." This legend, it is indicated, although not required by statutory authority, is designed to provide a reminder to the payee and second endorsee that the payee is entitled to the proceeds of the check only while the unremarried status continues to exist. And, by endorsing the check with such inscription, the payee in effect certifies to the continued unremarried status.

It is pointed out in the Committee Action that military services have been informed that the Social Security Administration and the Department of Health, Education and Welfare, have discontinued the practice of using the legend "unremarried widow" on the checks payable to widows while they remain unremarried, although such inscription had

[Proposed Amendment to Annuity Check Designation]

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been used for many years. It is indicated by the Committee that studies by the Social Security Administration revealed that the check legends did not materially increase the reporting of remarriages and that check writing costs were increased as a result of the extra line of print. The Committee states that these studies were prompted by criticism that the legend used was discriminatory and embarrassing for beneficiaries and was contrary to Social Security Administration regulations relating to the disclosure of information concerning an individual's records and benefits. It is stated that the agency has not used the inscription "unremarried widow" since 1961. It is further indicated that the military services have recently learned that the use of a similar legend on checks payable to widows by the Veterans Administration has been discontinued by that agency in favor of a one-time certification by the payees at the time the payments are established.

In view of the above-mentioned studies by the Social Security Administration and the inquiries, both congressional and individual, objecting to the inscription "unremarried widow" on monthly annuity checks, a decision is requested by the Acting Assistant Secretary as to whether the military services may adopt the procedure presently in use by the Veterans Administration whereby the services will obtain a one-time certification from the widow at the time the payments are established.

As the Committee Action points out and as we have stated repeatedly in the past, the legends appearing on these checks are not a statutory requirement, but were adopted for the purpose of safeguarding the interests of the United States. As noted in the Committee Action we have not objected to the discontinuance of the inscription "unremarried widow" on checks issued by various agencies as payments to widows whose entitlement to such payments is contingent on their continued unremarried status. However, in those cases where no objections were raised to the discontinuance of the inscription on the check, the agency concerned provided an alternate procedure for protecting the interests of the United States, such as, periodic surveys or certifications.

The Committee Action proposes that only a one-time certification at the time payments are established be adopted by the services, citing Veterans Administration procedures as an example. We have been informally advised that while the Veterans Administration obtains a certification at the time payments are established, a supplemental procedure is also used in the form of an annual questionnaire to be executed by the payees, in the administration of some programs. We have also been advised that under another program administered by the Veterans Administration only the one-time certification is obtained

with no follow up procedures. We have not commented on this latter procedure used by the Veterans Administration with regard to whether or not the interests of the United States are being adequately protected. Our file indicates that at the time this procedure was adopted, it was indicated an annual notice would be sent to payees informing them of the conditions of their entitlement, whether or not this procedure still exists is not known.

Concerning annual certifications as to marital status, we have been advised that the Air Force Accounting and Finance Center currently circularizes the survivor's benefits and annuitants on an annual basis. A Certificate of Continued Eligibility (AFAFC Form O-490) has been used for this purpose.

Thus, in view of the above, we have no objection to amendment of existing procedures to discontinue the use of the inscription "unremarried widow" on checks payable to widows under the provisions of the survivor benefit plans. However, we do not view the procedure of obtaining a one-time certification at the time the payments are established as providing adequate protection of the interests of the United States. Therefore, it is our view that a procedure similar to that now employed by the Air Force Accounting and Finance Center of requiring an annual certification (AFAFC Form O-490) as to marital status be adopted for all the uniformed services covered by the Plans authorized in Chapter 73, title 10, United States Code. Reports received by this Office indicate that the expense of obtaining these annual certifications is not a significant factor.

Sincerely yours,

PAUL G. DEMBLING

For the Comptroller General
of the United States

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