#### Department of Veterans Affairs M21-1, Part VII, Chapter 1

**Veterans Benefits Administration November 16, 2015**

**Washington, DC 20420**

#### Key Changes

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| Changes Included in This Revision | The table below describes the changes included in this revision of Veterans Benefits Manual M21-1, Part VII, “Burial Benefits,” Chapter 1, “Burial Benefits and Allowances.”  ***Notes***:   * Unless otherwise noted, the term “claims folder” refers to the official, numbered, Department of Veterans Affairs (VA) repository – whether paper or electronic – for all documentation relating to claims that a Veteran and/or his/her survivors file with VA. * Minor editorial changes have also been made to * update/remove incorrect or obsolete references * clarify block labels and/or block text, and * bring the document into conformance with M21-1 standards. |

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| Reason(s) for the Change | Citation |
| To add automated plot to Topic 5.” | [M21-1, Part VII, Chapter 1, Section A, Topic 5 (VII.1.A.5)](#_5.__Automated) |
| To add (b) to reference in Reference under VII.1.A.2.a. | [VII.1.A.2.a](#_a.__Definition:) |
| To priority of payments, exceptions to priority of payments, duties of first to file and contested burial claims to the topic of Priority of Payments | [VII.1.A.3](#_3.__Priority) |
| To add “the VA hospitalization death burial allowance” to VII.1.A.3.a | [VII.1.A.3.a](#_a.__Automatic) |
| To add a note under VII.1.A.3.a, “If there is a surviving spouse of record at the time of the Veteran’s death, but the system fails to issue him or her an automated payment, the surviving spouse must submit a burial application.” | [VII.1.A.3.a](#_a.__Automatic) |
| To remove “Exceptions to Priority of Payments and move it to VII.1.A.3.c | [VII.1.A.3.c](#_c.__Exceptions) |
| To add a note under VII.1.A.3.b, “For claims received on or after July 7, 2014, funeral home directors and other third party claimants not listed above cannot receive benefits unless the provided services for the unclaimed remains of a Veteran” | [VII.1.A.3.b](#_b.__Priority) |
| To add new topic “Multiple Claimants” VII.1.A.3.d | [VII.1.A.3.d](#_d.__Multiple) |
| To add new topic “Contested Burial Claims” VII.1.A.3.e | [VII.1.A.3.e](#_e.__Contested) |
| To update proper M21-1 references in VII.1.A.3.h | [VII.1.A.3.h](#_h.__Eligible) |
| To remove “formal and informal burial claims, and time limits for filing a claim when a Veteran died before his/her service was recognized under Public Law 95-102 | [VII.1.A.4](#_4.__Time) |
| To remove the reference for an exception to a two-year time limit for filing a claim for plot and/or interment costs. | [VII.1.A.4.b](#_b.__Time) |
| To remove “and whose bill is unpaid” and replace with “for a Veteran whose remains are unclaimed” under the topic “Claim Filed on Behalf of a Deceased Funeral Director | [VII.1.A.4.c](#_c.__Claim) |
| To update the M21-1 reference in VII.1.A.4.c | [VII.1.A.4.C](#_c.__Claim) |
| To add “if necessary to make the burial benefit determination” to the topic “Sending Pending Claims to the Rating Activity” | [VII.1.A.4.e](#_e.__Sending) |
| To add “and Plot” to the topic 5 title | [VII.1.A.5](#_5.__Automated) |
| To add “development for the automated burial and plot allowance” and “how VA generates an automated plot payment” to the introduction | [VII.1.A.5](#_5.__Automated) |
| To add “for the Automated Burial Allowance” to topic a title | [VII.1.A.5.a](#_a.__Development) |
| To add note “The Month of Death screen will show a check mark in the **Vet Buried in State or National Cemetery** field, unless there is evidence that the Veteran was **not** buried in a State or National cemetery.” | [VII.1.A.5.b](#_b.__How) |
| To add “and plot” to step 3 | [VII.1.A.5.b](#_b.__How) |
| To add “and plot” to step 4 | [VII.1.A.5.b](#_b.__How) |
| To add “and plot” to EP Assignment for Automated Burials | [VII.1.A.6.a](#_a.__EP) |
| To correct the reference to M21-4, Appendix B | [VII.1.A.6.b](#_b.__EP) |

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| Rescissions | None |

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| Authority | By Direction of the Under Secretary for Benefits |

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| Signature | David McLenachen, Acting Director  Pension and Fiduciary Service |

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| Distribution | LOCAL REPRODUCTION AUTHORIZED |

**Section A. General Information**

**Overview**

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| **In This Section** | This section contains the following topics: |

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| **Topic** | **Topic Name** |
| 1 | Types of Burial Benefits |
| 2 | Definitions of Burial Benefit Terms |
| 3 | Priority of Payments |
| 4 | Time Limit for Filing Claims |
| 5 | Automated Burial and Plot Allowance |
| 6 | End Product (EP) Control |

#### 1. Types of Burial Benefits

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| **Change Date** | July 31, 2015 |

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| a. Types of Burial Benefits and Allowances | The Department of Veterans Affairs (VA) provides the following burial benefits and allowances:   * service-connected (SC) death burial allowance * non-service-connected (NSC) death burial allowance * VA hospitalization death burial allowance * plot or interment burial allowance, and * transportation reimbursement   ***Reference***: For more information on the laws and regulations concerning burial allowances, see   * [38 U.S.C. Chapter 23](http://www.law.cornell.edu/uscode/html/uscode38/usc_sup_01_38_10_II_20_23.html), and * [38 CFR 3.1700 through 3.1713](http://www.ecfr.gov/cgi-bin/text-idx?SID=6660655b9dfb5b0a0a5c48e585b5c206&node=sp38.1.3.b&rgn=div6). |

#### 2. Definitions of Burial Benefit Terms

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| **Introduction** | This topic defines terms related to burial and plot benefits, including   * the definition of burial * the definition of cremation * the definition of burial at sea * the definition of medical school donation * the definition of alkaline hydrolysis * the definition of plot, and * the definition of interment. |

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| a. Definition: Burial | ***Burial*** includes all the various recognized methods of disposing of the remains of deceased persons. For the purposes of payment of burial benefits, the methods also include   * cremation * burial at sea * medical school donation, and * alkaline hydrolysis.   ***Reference***: For more information on the recognized methods of disposing the remains of a deceased person, see [38 CFR 3.1700(b).](http://www.ecfr.gov/cgi-bin/text-idx?SID=709e6dffd438fcd5e4b23fd67fb7817e&mc=true&node=se38.1.3_11700&rgn=div8#se38.1.3_11700) |

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| b. Definition: Cremation | A ***cremation*** is a burial, regardless of what is done with the ashes. |

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| c. Definition: Burial at Sea | A ***burial at sea*** occurs when the deceased Veteran’s body is committed to the sea. |

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| d. Definition: Medical School Donation | A ***medical school donation*** is considered a recognized method of disposing of remains if the deceased Veteran’s body is turned over to a medical school for scientific purposes. |

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| e. Definition: Alkaline Hydrolysis | ***Alkaline hydrolysis***, also known as “green cremation,” is a water-based dissolution process for human remains that uses alkaline chemicals to accelerate natural decomposition.  Alkaline hydrolysis is a burial for VA purposes in States in which alkaline hydrolysis is a lawful method for disposing of human remains.  ***Notes***:   * Ten States (Colorado, Florida, Georgia, Illinois, Kansas, Maine, Maryland, Minnesota, Oregon, and Wyoming) have approved the use of alkaline hydrolysis for the disposal of remains. * If a State is not listed, a review is required to determine if it should be added. If necessary, send an email to [VAVBAWAS/CO/PENSION POL & PROC](mailto:PENSIONPOLPROC.VBACO@va.gov) requesting guidance. |

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| f. Definition: Plot | A ***plot*** is the final disposal site of the remains.  ***Synonyms***: Burial plot, interment site, final resting place.  ***Example***: A grave, mausoleum, vault, columbarium niche, or other site.  ***Note***:   * Consider the plot to be * the grave where the casket is buried, not the casket itself, or * the columbarium niche containing the cremation urn, not the urn itself. * Purchase of a plot or similar final resting place for the Veteran's remains is essential for payment of a plot allowance. |

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| g. Definition: Interment | ***Interment*** is the act of placing the remains of a deceased person in a final resting place.  ***Examples***:   * Placing the remains of a deceased person’s body into a grave, or * placing the cremains (cremated remains) of a deceased person into a columbarium niche. |

#### 3. Priority of Payments

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| **Introduction** | This topic contains information on the priority of payments for burial benefits, including   * automatic payments to eligible surviving spouses * priority of claimants * exceptions to priority of payments * duties of first to file * contested burial claims * proof of executorship or administrator * payment to a person who murders a Veteran, and * eligible claimant’s loyalty clearance. |

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| a. Automatic Payments to Eligible Surviving Spouse | Effective July 7, 2014, VA automatically pays a burial benefit to an eligible surviving spouse, without a claim, when VA is able to determine eligibility based on evidence of record as of the date of the Veteran's death.  A surviving spouse must file a claim for additional burial benefits, including   * the plot or interment allowance * reimbursement for transportation * the VA hospitalization death burial allowance, and * the SC death burial allowance under [38 CFR 3.1704](http://www.ecfr.gov/cgi-bin/text-idx?SID=7237d0a3574053bda9ef7dbe28c3b45b&mc=true&node=se38.1.3_11704&rgn=div8).   ***Notes***:   * The automated payment is triggered by the First Notice of Death (FNOD)   command and paid to the surviving spouse established on the award at the time of the Veteran’s death.   * If there is a surviving spouse of record at the time of the Veteran’s death, but the system fails to issue him or her an automated payment, the surviving spouse must submit a burial application. |

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| b. Priority of Claimants | For all claims not paid automatically to the eligible surviving spouse, VA will pay the applicable burial benefit to the first living person to claim burial benefits who is the   * Veteran’s surviving spouse, unless the spouse received an automated payment and is not entitled to additional burial benefits * survivor of a legal union between the deceased Veteran and the claimant that * existed on the date of the Veteran’s death, * was recognized under the law of the State in which the couple formalized the relationship, and * was evidenced by the State’s issuance of documentation memorializing the relationship * Veteran’s child, regardless of age * Veteran’s parent, or * executor or administrator of the estate of the deceased Veteran.   ***Notes***:   * For claims received on or after July 7, 2014, funeral home directors and other third party claimants not listed above cannot receive burial benefits unless they provided services for the unclaimed remains of a Veteran. * If no executor or administrator has been appointed, VA may pay burial benefits based on a claim filed by a person acting for such estate who will distribute the burial benefits to the person or persons entitled to such distribution under the laws of the Veteran's last State of residence. |

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| c. Exceptions to Priority of Payments | The provisions of priority of payments does not apply   * to a State, or an agency or political subdivision of a State, when claiming plot or interment allowance for burial in a State Veterans cemetery or other cemetery, or * for the burial of a Veteran whose remains are unclaimed.   ***Note***: Authorize payment of the NSC burial allowance based on unclaimed remains to the funeral director. |

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| d. Multiple Claimants | If multiple people apply for burial benefits,   * pay the *entire* amount of burial benefit allowable by law to the first proper claimant to file, and * notify any other claimant that VA can only pay the first to file and it is the responsibility of the eligible payee to distribute benefits appropriately.   ***Note***: If two claimants with the same priority file a claim for burial benefits on the same date, and they both provide the evidence required in [38 CFR 3.1703](http://www.ecfr.gov/cgi-bin/text-idx?SID=5306a1c759d316719b6dd8b97fbc8023&mc=true&node=se38.1.3_11703&rgn=div8), award burial benefits to the claimant with the earliest VA date stamp time. |

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| e. Contested Burial Claims | If a surviving spouse or other priority claimant files a claim for a burial allowance *after* VA has paid a NSC burial allowance to a funeral home or other third party based on the Veteran’s remains being unclaimed, this would be a contested claim.  Follow the contested claim procedures in M21-1, Part III, Subpart vi, 6. |

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| f. Proof of Executorship or Administrator | Specific documentation is *not* required to show that a claimant is the executor or administrator of the estate *unless* there is evidence to suggest that the claimant is not the executor. If the evidence shows that the claimant may not be the executor, then the following documentation is required:   * letters of administration, or * letters of testamentary. |

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| g. Payment to a Person Who Murders a Veteran | Payment to a person who murders a Veteran is *not* barred.  ***Reference***: For more information on restriction of payment to a person that murders a Veteran, see [38 CFR 3.11](http://www.ecfr.gov/cgi-bin/text-idx?SID=d33e4da4fc398594799bef3515e31441&mc=true&node=se38.1.3_111&rgn=div8). |

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| h. Eligible Claimant’s Loyalty Clearance | Loyalty clearance will be necessary only when   * required by M21-1, Part III, Subpart iii, 1.C.10 , or * forfeiture may be declared under [38 CFR 3.902(d)](http://www.ecfr.gov/cgi-bin/text-idx?SID=d33e4da4fc398594799bef3515e31441&mc=true&node=se38.1.3_1902&rgn=div8).   Do *not* request loyalty affidavits if the claimant   * is a Veterans’ service post * is a corporation * is an administrator or executor of the estate, or * has a formal loyalty clearance already of record.   Do *not* delay awarding burial benefits pending receipt of formal loyalty clearance, in connection with claims for accrued benefits payable, on the basis of relationship.  ***Reference***: For more information on Philippine cases, see M21-1, Part III, Subpart vi, 4.C.6. |

#### 4. Time Limit for Filing Claims

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| **Introduction** | This topic contains information on time limits, including   * time limits for filing a burial claim * time limit for filing a claim after character of discharge is upgraded * claim filed on behalf of a deceased funeral director * claim filed on behalf of a deceased person whose personal funds were used, and * sending pending claims to the rating activity. |

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| a. Time Limits for Filing a Burial Claim | Claims for the NSC burial allowance must be filed within two years of the date of permanent burial or cremation of the Veteran.  There is no time limit for applying for the   * SC death burial allowance * VA hospitalization death burial allowance * plot or interment burial allowance, and * transportation reimbursement. |

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| b. Time Limit for Filing a Claim After a Character of Discharge Is Upgraded | In some cases, the burial allowance is not payable because of the character of the Veteran’s discharge. However, if, after the Veteran’s death, the discharge is upgraded and entitlement to the NSC death burial allowance is in order, the benefit may be paid if a claim is received within two years of the date the discharge was upgraded. |

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| c. Claim Filed on Behalf of a Deceased Funeral Director | In some cases, a claim may not be filed during the lifetime of the funeral director who provided services for a Veteran whose remains are unclaimed.  In this situation, payment may be made to the person responsible for distributing the deceased funeral director’s estate if he/she submits the claim and necessary evidence within the statutory time limit.  ***Reference***: For more information on claims on payment to an estate, see M21-1, Part VII, 1.D.2. |

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| d. Claim Filed on Behalf of a Deceased Person Whose Personal Funds Were Used | In some cases, a claim may not be filed during the lifetime of the person whose personal funds were used to pay the expenses of transportation.  In this situation, payment may be made to the legal representative of that person’s estate.  ***Example***: A legal representative may be the administrator, executor, or person who is be responsible for distribution of the estate under the intestacy laws of the State of the deceased person's domicile. |

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| e. Sending Pending Claims to the Rating Activity | If a claim was pending at the time of the Veteran’s death, send the file to the rating activity if necessary to make the burial benefit determination. |

#### 5. Automated Burial and Plot Allowance

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| **Introduction** | This topic contains information regarding automated burial and plot allowances, including   * development for the automated burial and plot allowance * how VA generates an automated burial payment, * how VA generates an automated plot payment, and * end product (EP) assignment for automated burials. |

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| a. Development for the Automated Burial Allowance | Development is not required for the automated burial process.  ***Note***: Surviving spouses may provide information at the time of the Veteran’s notice of death (NOD). |

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| b. How VA Generates an Automated Burial Payment | The table below describes the automated burial payment process. |

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| **Step** | **Action** |
| 1 | VA processes a Veteran’s NOD using the FNOD command.  ***Note***: The Month of Death screen will show a check mark in the **Vet Buried in State or National Cemetery** field, unless there is evidence that the Veteran was **not** buried in a State or National cemetery. |
| 2 | During the process, VA systems search for a spouse established on the Veteran’s award. |
| 3 | If there is a surviving spouse established on the award, VA sends an automated letter informing him or her:   * that he or she will receive the applicable burial and plot allowance * of additional survivor and burial benefits he or she may be entitled to, and * that he or she must apply for these additional benefits with an application. |
| 4 | VA systems wait 6 days to ensure there is no notification that the burial or plot allowance should *not* be paid. |
| 5 | |  |  | | --- | --- | | **If, after the 6 day waiting period, information is ...** | **Then ...** | | not received to indicate the burial and/or plot allowance should not be paid | the surviving spouse receives a check for the SC or NSC burial allowance and plot allowance if applicapble. | | is received that indicates the surviving spouse is not entitled to this payment | the automatic payment terminates.  ***Note***: If the surviving spouse believes the payment was erroneously terminated, he or she must submit an application for benefits. | |

#### 6. End Product (EP) Control

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| **Introduction** | This topic contains information regarding EP control, including   * EP assignment for automated burials, and * EP assignment for burials not eligible for automatic payments. |

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| a. EP Assignment for Automated Burials | Automated burial and plot allowances are processed under end product (EP) 169. Because this is an automated process, credit for this EP is given to the Regional Office of Jurisdiction (ROJ) based on where the Veteran resided.  ***Note***: The Pension Management Centers (PMCs) process burial appeals and contested claims. |

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| b. EP Assignment for Burials Not Eligible for Automatic Payments | Non-automated burial payments are processed under the EP 160 series. Credit for this EP is given to the PMC of jurisdiction.  ***Note***: Only one EP credit is allowed per burial application, even if there are two signatures on the application, one for the claimant and one for the authorizer of services.  ***Reference***: For more information on EP credit, see M21-4, Appendix B. |