## 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 | Description of the Special Allowance Under 38 U.S.C. 1312(a) |
| 2 | Jurisdiction for Payment of the Special Allowance Under 38 U.S.C. 1312(a) |
| 3 | Answering Inquiries From Claimants |

#### 1. Description of the Special Allowance Under 38 U.S.C. 1312(a)

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| Introduction | This topic describes the special allowance under [38 U.S.C. 1312(a)](http://www.law.cornell.edu/uscode/38/1312.html), including   * description of the special allowance * who can be paid the special allowance, and * who cannot be paid the special allowance. |

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| Change Date | November 16, 2004 |

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| a. Description of the Special Allowance | The special allowance under [38 U.S.C. 1312(a)](http://www.law.cornell.edu/uscode/38/1312.html) is a gratuitous benefit to the surviving dependents of a member of a uniformed service who was not a fully and currently insured individual under Title II of the Social Security Act who died on or after January 1, 1957 per [38 CFR 3.804](http://www.ecfr.gov/cgi-bin/text-idx?SID=25b2f2c1991b6573e0fc875310375018&mc=true&node=se38.1.3_1804&rgn=div8), either   * while on active duty or active or inactive duty for training, or * after separation as the result of a service-connected (SC) disability incurred after September 15, 1940. |

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| b. Who Can Be Paid the Special Allowance | The special allowance is paid ***only*** to the persons as designated by and at the rates and for the periods certified by the Social Security Administration (SSA). |

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| c. Who Cannot Be Paid the Special Allowance | The special allowance cannot be paid based on   * entitlement to compensation under * [38 U.S.C. 1151](http://www.law.cornell.edu/uscode/38/1151.html), and * [38 U.S.C. 1160](http://www.law.cornell.edu/uscode/38/1160.html), or * Philippine service under [38 CFR 3.804(b)(2)](http://www.ecfr.gov/cgi-bin/text-idx?SID=25b2f2c1991b6573e0fc875310375018&mc=true&node=se38.1.3_1804&rgn=div8). |

#### 2. Jurisdiction for Payment of the Special Allowance Under 38 U.S.C. 1312(a)

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| Introduction | This topic contains information on the jurisdiction for payment of the special allowance under [38 U.S.C. 1312(a)](http://www.law.cornell.edu/uscode/38/1312.html), including   * jurisdiction of special allowance claims, and * transfer of folders to the Philadelphia Pension Management Center (PMC). |

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| Change Date | August 14, 2014 |

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| a. Jurisdiction of Special Allowance Claims | The Philadelphia Pension Management Center (PMC) has the sole authority to make awards and payments of the special allowance under [38 U.S.C 1312(a)](http://www.law.cornell.edu/uscode/text/38/1312).  Development of special allowance claims is the responsibility of the regional office (RO) with original jurisdiction.  ***References***: For more information on   * development of entitlement for the special allowance, see M21-1, Part IX, Subpart ii, 1.C, and * subsequent transfer of folders to the Philadelphia PMC, see M21-1, Part IX, Subpart ii, 1.A.2.b. |

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| b. Transfer of Folders to the Philadelphia PMC | When the SSA furnishes *SSA Form 101*, *Determination of Award*, *SSA Form 101C*, *Determination of Award*, or *SSA Form 101U3*, *Determination of Award* to the RO to authorize payment   * take necessary adjudicative action on any other claim pending in the case, and * once adjudicative action is completed, permanently transfer the deceased Veteran’s claims folder to the Philadelphia PMC for payment of the special allowance under [38 U.S.C 1312(a)](http://www.law.cornell.edu/uscode/text/38/1312). |

#### 3. Answering Inquiries From Claimants

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| Introduction | This topic contains information on answering inquiries from claimants, including information on   * inquiries answered by the Department of Veterans Affairs (VA), and * referring inquiries to the SSA. |

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| Change Date | November 16, 2004 |

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| a. Inquiries Answered by VA | After the approval of an award, the Department of Veterans Affairs (VA) answers inquiries relating to   * when the initial payment will be made * the non-receipt of a check * the change of address of the payee, and * the change of fiduciary.   ***Note***: Include the Social Security number (SSN) on any correspondence sent to a payee. Send a copy of the letter to the servicing SSA Program Service Center (PSC). |

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| b. Referring Inquiries to the SSA | Refer all inquiries pertaining to matters other than those listed in M21-1, Part IX, Subpart ii, 1.A.3.a to the servicing SSA PSC, using a locally-generated letter, and inform the claimant of the referral.  ***Note***: This includes inquiries concerning the amount of payment and termination of payments. |