

~~ADMINISTRATIVE - INTERNAL USE ONLY~~(b) (2)
(b) (3)~~ADMINISTRATIVE - INTERNAL USE ONLY~~**Date:** 12/03/2003**Category:** 20 - Human Resources **OPR:** HR**Title:** AR 20-47 SPECIAL DEATH BENEFITS**REVISION SUMMARY:** 03 December 2003

This regulation supersedes AR 20-47, dated 28 February 2002.

AR 20-47 is revised to remove Part V, Disposition of Remains and Travel Expenses. This policy has been incorporated into AR 22-19, *Travel for Deaths and Medical Emergencies*.*The remainder of the regulation is unchanged.**This revision was written by the Policy Team, Centralized and Deployed Human Resources, at HR Policy@ DA.***47. SPECIAL DEATH BENEFITS****SYNOPSIS.** This regulation states Agency policy governing death gratuity payments to the survivors of deceased employees, and provides for Agency payment of certain expenses associated with the death of an employee or eligible family member, including travel, shipment of effects, and disposition of remains.

- a. **AUTHORITY.** Section 4 and section 11, CIA Act of 1949, as amended (50 U.S.C. 403e and 403k); section 5742, 5 U.S.C.; Section 651 of Public Law 104-208; 5 U.S.C. 5570, and 22 CFR 192.1 et seq. The Public Safety Officers' Benefits Act of 1976, as amended, 42. U.S.C. 3796, et seq., and 41 CFR Parts 300-2 and 300-3.

**PART I. GENERAL POLICY FOR DEATH BENEFITS
UNDER SECTION 651 of P.L. 104-208**

- a. **DEATH GRATUITY POLICY.** The Director of Central Intelligence (DCI) may authorize payment of a death gratuity to the personal representative of any Agency employee who dies from an injury (including disease caused by employment) sustained on or after August 2, 1990, in the line of duty. This includes any Agency employee who dies after separation from service, if the death is the result of an injury sustained in the line of duty. The gratuity would

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be unwarranted if the DCI determines that the employee's death was the result of willful misconduct.

b. DEFINITIONS FOR PART I

- (1) **EMPLOYEE.** Staff and contract employees, staff agents, and appointed foreign national employees. This definition does not include independent contractors.
- (2) **PERSONAL REPRESENTATIVE.** Generally, the formally designated executor or administrator of the employee's estate under state law.

c. DEATH GRATUITY, COVERAGE, AND BENEFICIARIES

- (1) The DCI authorizes payment in an amount, when combined with certain other payments, that does not exceed \$10,000. The other payments that must be considered in determining the amount of the gratuity are:
 - (a) \$200 payable under 5 U.S.C. 8133(f), for reimbursement of the costs of termination of the decedent's status as an employee of the United States.
 - (b) Up to \$800 payable under 5 U.S.C. 8134(a), for funeral and burial expenses in cases of employees who died as a result of an injury sustained in the performance of duty.

The amount paid under these two authorities, plus the gratuity paid under P.L. 104-208, may not total more than \$10,000.

- (2) The death gratuity payment, while not subject to Federal income tax withholding, is fully subject to Federal income taxes if the death occurred on or after August 20, 1996. If death occurred earlier, a \$5,000 exclusion will generally apply. The death gratuity is not subject to Social Security or Medicare taxes.
- (3) The death gratuity is paid to the personal representative of the employee as defined in Part I, b (2).
- (4) Only one Agency death gratuity--either Part I or Part II--will be paid; that is, the death gratuity of the highest value to the appropriate beneficiaries.

**PART II. GENERAL POLICY FOR AGENCY-SPECIFIC DEATH GRATUITY,
SECTION 11 OF THE CIA ACT OF 1949**

- a. DEATH GRATUITY POLICY.** The DCI may authorize payment of a death gratuity to the surviving eligible family members of an Agency employee who dies as a result of injuries (other than from disease) sustained outside the United States if the injuries:

- (1) Result from hostile or terrorist activities; or
- (2) Occur in connection with an intelligence activity having a substantial element of risk.

b. DEFINITIONS FOR PART II

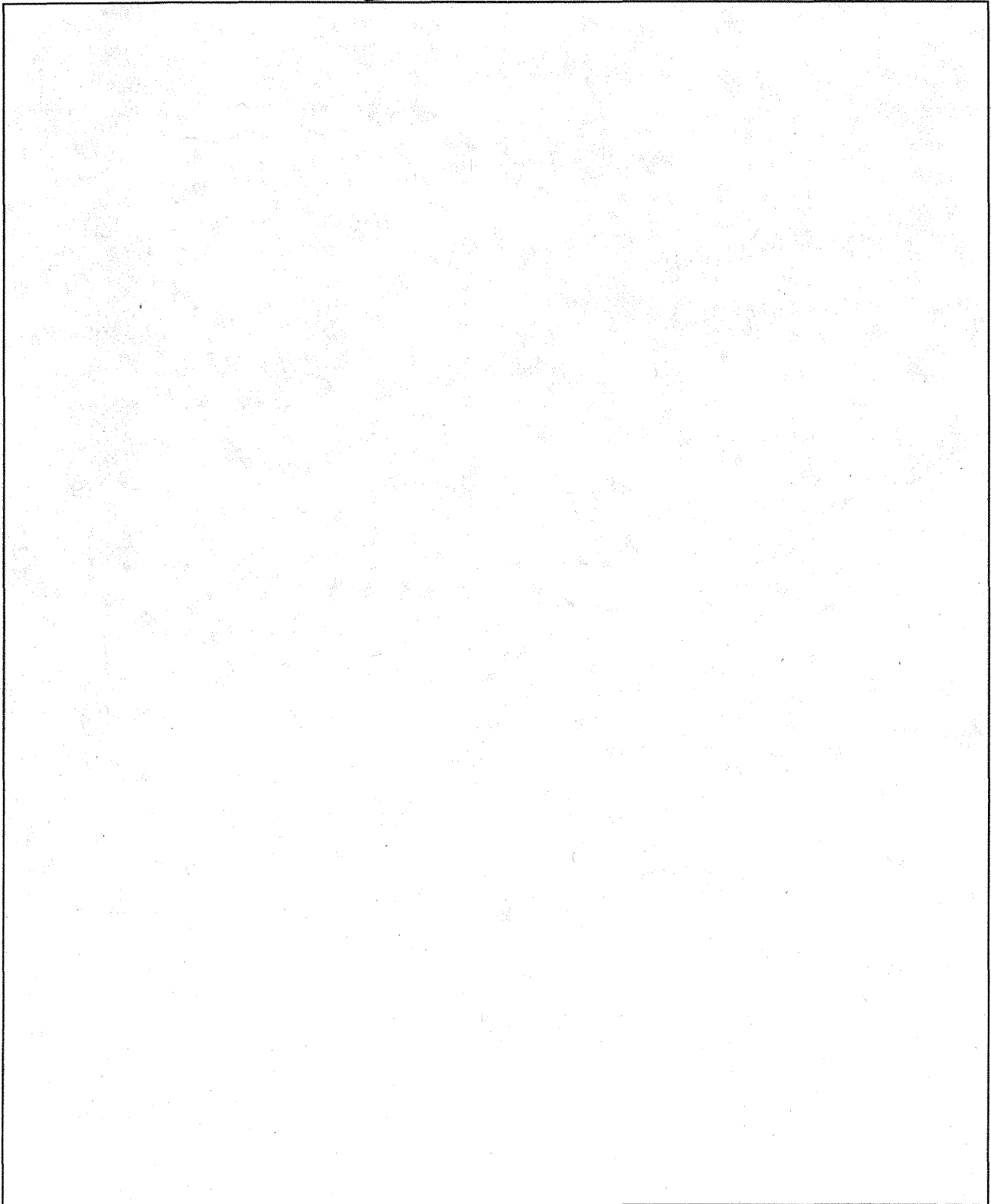
- (1) **EMPLOYEE.** Staff and contract employees, staff agents, and appointed foreign national employees. This definition does not include independent contractors.

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- (2) **WIDOW.** Wife living with or dependent on the decedent for support at the time of his death, or living apart for reasonable cause or because of his desertion.
- (3) **WIDOWER.** Husband living with or dependent on the decedent for support at the time of her death, or living apart for reasonable cause or because of her desertion.
- (4) **CHILD.** One who at the time of the employee's death is under 18 years of age or is incapable of self-support. This definition includes biological children including those born posthumously, stepchildren, and adopted children, but does not include married children. The definition also includes a student under 23 years of age who has not married; has not completed four years of education beyond the high school level; and is regularly pursuing a full-time course of study or training at a school, college, university, or other qualifying institution under the terms of 5 U.S.C. 8101 (17). An individual remains a student between school years if the interim is not more than four months and the student intends to continue full-time study immediately after the interim. A student whose 23rd birthday occurs during a semester or other enrollment period is a student until the end of the semester or other enrollment period.
- (5) **DEPENDENT PARENT.** (As defined in AR) includes biological parents, stepparents, and parents by adoption.

c. DEATH GRATUITY, COVERAGE, AND BENEFICIARIES

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