

owes a certain obligation to the woman who entered into a marriage relationship with a veteran which she believed to be valid, and at the time of his death was living with, caring for, and looking to him for support.

While a woman may be eligible as a widow on the basis of such a "deemed valid marriage," this provision of law has no application to the "wife" of a veteran, since it is specifically limited to "gratuitous death benefits." Therefore, a veteran must establish the validity of his marriage to receive additional compensation for a wife, or to be considered a veteran having a wife within the provisions governing payment of certain benefits during hospitalization. Likewise, the validity of his marriage must be established to obtain the higher monthly pension rates and annual income limits provided for a married veteran.

It seems to the Commission manifestly unfair to deny recognition to a woman as the wife of a living veteran, but on his death, to accord her a widow's status with full eligibility for benefits. In the interest of uniformity and fair play, the woman should be treated in the same manner while the veteran is living, as she is after his death. Therefore, the Commission recommends that the present requirement for a veteran to establish the legality of his marriage should be liberalized by applying the same criteria to the purported marriage as govern in the case of a claim for death benefits.

RECOMMENDATION NO. 69

The Commission recommends amendment of the definition of "widow" to enable reinstatement of gratuitous benefits upon termination of a widow's remarriage, and continuation of these benefits to widows who remarry after age 60.

Background to Recommendation:

The term "widow" is defined in 38 USC 101 (3) for purposes of entitlement to VA benefits (other than insurance) as a woman who, among other things, has not remarried after the veteran's death. Thus, benefits such as death pension, death compensation, or dependency and indemnity compensation, must be terminated if a widow remarries. Further payment of such benefits may be resumed only if the marriage is void or annulled.