

The VA assistance provided to widows of deceased veterans serves as a partial substitute for the economic loss suffered by the widow as a result of the death of her veteran husband. The present bar to payment of benefits after a widow's marriage is based on the premise that, upon remarriage, the widow will be supported by her new husband and that the Government is thereby discharged of its obligation. This approach has occasionally resulted in hardship, especially when the parties to the remarriage are aged and not in a position to augment their income by employment. Hardship also results if the remarriage is short-lived, for the widow often emerges from the second marriage in a worse economic position than before.

The Commission therefore recommends amendment of the legal definition of "widow" to permit widows who remarry after age 60, and widows whose remarriages terminate, to still be eligible to receive the gratuitous death benefits to which they were entitled before remarriage, provided the need criteria of the law are still met. In no event should an individual claimant benefit as the "widow" of more than one veteran.

RECOMMENDATION NO. 70

The Commission recommends alleviation of the hardship situations which sometimes arise for recipients of disability severance pay because of unanticipated changes in disability.

Background to Recommendation:

Members of the Armed Forces rendered unfit to perform their duties because of service-incurred disability, but who lack a sufficient combination of disability and length of service, to be paid retirement pay, receive disability severance pay. This is a lump sum payment which often amounts to thousands of dollars. Disability severance pay appears to be sound in its concept and serves a valuable function.

In order to avoid double compensation for the same disability, the following provision was enacted (10 U.S.C. 1212 (c)):

The amount of disability severance pay received under this Act shall be deducted from any compensation for the same disability to which the former