



OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

23 DEC 2003

PERSONNEL AND
READINESS

MEMORANDUM FOR ASSISTANT SECRETARY OF DEFENSE
(RESERVE AFFAIRS)
ASSISTANT SECRETARY OF THE ARMY
(MANPOWER AND RESERVE AFFAIRS)
ASSISTANT SECRETARY OF THE NAVY
(MANPOWER AND RESERVE AFFAIRS)
ASSISTANT SECRETARY OF THE AIR FORCE
(MANPOWER AND RESERVE AFFAIRS)

SUBJECT: Change to Imminent Death Processing Policy in DoD Instruction 1332.38

Section 645 National Defense Authorization Act for FY 2004 expanded Section 1448(d), 10 USC, to provide a Survivor Benefit Plan (SBP) annuity for the surviving dependent children of a member who dies while on active duty but is not yet eligible for retirement, instead of the surviving spouse provided the Secretary concerned, in consultation with the surviving spouse, determines such an annuity is appropriate. Prior to this change, a dependent child could only receive the SBP annuity when there was no surviving spouse or when a surviving spouse subsequently died.

Sub-paragraph E3.P1.6.4 of DoD Instruction 1332.38, Physical Disability Evaluation, has allowed the Services to expeditiously refer members to the Disability Evaluation System when "competent medical authority determines that a Service member's death is expected within 72 hours." However, as a result of the recent expansion of SBP eligibility, this process is no longer appropriate. Sub-paragraph E3.P1.6.4 of DoDI 1332.38 is hereby rescinded, and Imminent Death Processing shall no longer be undertaken. Revisions to the new DODI will reflect this change. Please provide a copy of your implementation message to this office not later than 30 days from the date of this letter.


Charles S. Abell
Principal Deputy



**SUBJECT: Change to Imminent Death Processing (IDP) Policy in DoD Instruction
1332.38**

cc:

ASD (HA)

Surgeon General, Army

Surgeon General, Navy

Surgeon General Air Force