

MORTUARY AFFAIRS



**Office of the Staff Judge
Advocate
Eielson AFB, Alaska**

354 FW/JA
Legal Assistance & Preventive
Law
Pamphlet Series

INTRODUCTION

This pamphlet provides basic information regarding the steps that are taken after someone dies. It covers matters governed by Alaska law as well as describes benefits that exist for the benefit of the family of a deceased active duty member. Every estate is unique and it is necessary to obtain legal advice to determine exactly what needs to be done in a particular case.

FUNERAL ARRANGEMENTS

Unless the deceased had purchased prepaid funeral or cemetery services, the person making the arrangements will probably be asked to sign a contract at the time the services are ordered. The costs can range from \$250, if the body is immediately cremated with no other services, to \$5,000 or more for an elaborate funeral.

If the deceased was an active duty member, funeral arrangements can be made through the Mortuary Services Officer. Alternatively, the family can make the arrangements and receive reimbursement from the government up to approximately \$800 for preparation of the body and the casket and \$1,400 for the funeral itself. In addition, Social Security will pay a \$255 lump sum designated as a burial benefit. The government will provide a headstone or limited reimbursement if one is purchased. The burial can be in a national cemetery and a funeral with military honors will be provided if requested.

IMMEDIATE CASH NEEDS AND AVAILABILITY OF FUNDS

When a death occurs, creditors usually understand that it may take awhile to sort out financial matters. Creditors should be contacted and arrangements made to defer payments. Some bills, such as those paid to utilities, must be paid on time to insure that services are not interrupted.

Money on deposit in banks and financial institutions will be immediately available if it is in a joint account. If the account is in the deceased's name alone, there will be some delay. Life insurance proceeds are payable from the insurance company directly to the named beneficiary. A death certificate must be submitted along with the policy. Individual insurance companies may require their own form be completed as well. Generally, insurance proceeds are paid within one to two months of the date of death.

Under Alaska law, the safe deposit box of the deceased is sealed upon a person's death and is accessible only if another person is listed on the deposit box's authorized person list. If the deceased is the only one authorized to open the box, legal proceedings will probably be necessary.

Military benefits include payment of a death gratuity up to \$3,000 maximum. This is intended to provide assistance in meeting immediate financial needs and should be paid within 24 hours of death. You will also receive a check for money owed the deceased service member for accrued pay and allowances.

The VA pays a monthly benefit for life (or until remarriage) to the spouse of an active duty member called Dependency and Indemnity Compensation (DIC). If the deceased had over 20 years of service and had applied for the Survivor Benefit Plan (SBP), the surviving spouse will receive an annuity equal to 55% of the deceased's base salary.

PERSONS ENTITLED TO THE DECEASED'S PROPERTY

The following is a simple outline of various methods and factors which determine who is entitled to receive property.

Last Will and Testament: A will leaves his/her property to any person or entity. Generally, Alaska law requires that a will be written and witnessed by two persons who do not benefit from it. However, if someone moves to Alaska from another state and has a will which was valid in that state, it is valid in Alaska. Under a properly executed will, the property it controls passes according to the terms of the will.

Intestacy: If the deceased person did not have a will or if the will is declared invalid by a court of law, the property will pass according to the laws of the state to the deceased's heirs.

Joint Tenancy: If the property is held in joint tenancy, the property passes to the surviving joint tenant. Property commonly held in joint tenancy includes bank accounts, stocks, bonds, and real property. It must state that the property is "joint tenancy."

Community Property Agreement: In the State of Alaska, the laws provide a unique method of transferring community property from one

spouse upon death to the surviving spouse without the need for probate proceedings. This is accomplished through a community property agreement signed by both marriage partners and acknowledged by a notary public. However, the law also states that such a community property transfer at death shall not interfere with the rights of creditors. Therefore, any just debts of the deceased must still be paid

This pamphlet is for basic information on mortuary affairs as it relates to military personnel stationed in Alaska. It is not intended to take the place of legal advice from a Judge Advocate. There may be important exceptions in some states to the information presented here. Please contact the 354th Fighter Wing Legal Office for questions and further information.



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