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**FEDERAL APPEALS COURT UPHOLDS ELIMINATION OF  
SURVIVOR BENEFIT OFFSET FOR MILITARY WIDOWS  
*RULING ENFORCES CONGRESSIONAL INTENT, REINSTATES BENEFITS***

ARLINGTON, VA (November 16, 2009) – The Gold Star Wives of America (GSW) today celebrates the removal of the Survivor Benefit Plan (SBP) /Dependency and Indemnity Compensation (DIC) offset for widows who remarry after age 57. In spite of Public Law 108-183, effective in January 2004, the Department of Defense (DoD) began offsetting SBP for this group of widows who were newly eligible for DIC as a result of the law. In 2007, three widows brought suit against the Department of Defense to have their benefits restored. DoD appealed the initial win by the widows affected by the offset, but the Federal Court of Appeals found the DoD out of compliance with the law and ordered that procedures be established to identify and restore full SBP annuity payments, collect premium refunds and pay any retroactive entitlements to eligible annuitants. The DoD did not appeal the Federal Court of Appeals decision.

“The Gold Star Wives of America applauds the support of our Congress and Federal Courts in upholding and honoring the sacrifices made in the name of our Nation’s freedom,” said Ruth Miller, Chairman of the Board of GSW. “Many of our members continue service to their country, remaining vibrant, active members of the military and veteran communities after the death of their spouse. GSW is proud to mark this victory and will continue our education and outreach efforts on behalf of survivors and the military family.”

Service members earn SBP as a result of an active duty death, or purchase SBP insurance upon retirement to assure their surviving spouse a continued portion of the retired pay they would have received if they had lived. After paying premiums for 30 years or reaching age 70, the SBP is considered fully paid up.

Congress has not addressed the SBP/DIC offset that still remains for approximately 54,000 survivors who have not remarried or are under the age of 57.

**About GSW**

Gold Star Wives of America is an organization of widows and widowers whose spouses died while on active duty in the military services or as the result of a military service connected cause. Gold Star Wives was formed during World War II to provide support for the spouses and children of those who lost their lives while serving in the Armed Forces of the United States. It is a congressionally chartered, non-profit veteran’s service organization. Eleanor Roosevelt was a member and one of the original 15 signers when the organization was incorporated in the State of New York in 1945. For more information, please visit [www.goldstarwives.org](http://www.goldstarwives.org).

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