

Administration of the Servicemen's Dependents Allowance Act of 1942

1st LIEUTENANT HARRY GROSSMAN *

Many aspects of the administration of allowances to dependents of men in the armed forces are closely related to operations under programs administered by the Social Security Board. The Bulletin presents this article both because of the significance of that program for social security and because many of the problems encountered by the Office of Dependency Benefits parallel those involved in establishing old-age and survivors insurance.

SERVICE IN THE ARMED FORCES does not annul a man's moral and legal obligation to support his family and other relatives with a claim upon his earnings. Financial support for the dependents of men in the armed forces has a vital bearing on the morale, both of the fighting man and of the people back home. It was found necessary in the last war to provide for allowances for the dependents of enlisted men. The magnitude of the present war has drawn into service many men with dependents and necessitated legislation to provide for allowances which would enable the dependents of enlisted men to defray at least a part of their living expenses. This purpose was accomplished with the passage of the Servicemen's Dependents Allowance Act of 1942 on June 23, 1942. Each family allowance consists of a sum deducted from, or charged to, the soldier's pay and a sum contributed by the Government. The end of the first year indicates that the family allowance has become the nucleus of home security for the dependents of a great majority of our servicemen.

The act provides for payments, without a means test, to the persons normally dependent on the man in the service. The amounts of the allowances are determined according to a flat, fixed schedule, based on the serviceman's pay and the family relationship of the dependent to him. The Government agrees with the soldier to make a certain definite dependable provision for his wife and children and other dependent relatives while he is in service. There is no discrimination between the dependents of one soldier and the dependents of another soldier. The result is that

an amount is provided which takes care of the average case.

For men in the Army, the family allowance system is administered by the Office of Dependency Benefits in the War Department. The Office, located in Newark, N. J., administers and coordinates all functions in connection with benefits to dependents of the military and civilian personnel of the War Department, except the civil-service retirement benefits administered by the Civil Service Commission. Although the major functions of the ODB are concerned with a number of programs involving dependency benefits, administration of the Servicemen's Dependents Allowance Act is its principal job.

The organization, composed of approximately 10,000 persons under the direction of a brigadier general, receives and handles an average of more than 60,000 pieces of mail per day, and the outgoing mail averages more than 70,000 pieces, exclusive of the allowance checks. About 3½ million checks are sent out monthly, amounting to more than \$160 million, some two-thirds of which is deducted from the soldiers' pay. In addition to family allowances, the checks include allotments-of-pay, which are sums regularly deducted at the request of men in service from their pay and remitted to their dependents, or to banks or insurance companies. As of the end of May 1943, a cumulative total of 11,160,000 checks, amounting to \$675,550,000 had been issued as family allowance payments—\$296,750,000 from the soldiers' contributions and \$378,800,000 from the Government's contribution. The Government's contribution to family allowances averages about 55 percent of the total payment.

The administrative functions of the Secretary

* War Department, Office of Dependency Benefits, Information and Public Relations Branch.

of War pertaining to family allowances, including the determination of all facts concerning the entitlement of individuals to benefits and the actual payment of benefits, were delegated to the Director of ODB. The ODB's determination of all facts is final and conclusive for all purposes, except that the Secretary of War may at any time, on the basis of new evidence or for other good cause, reconsider or modify any such determination and may waive a recovery of money erroneously paid as benefits under the act wherever he finds that such recovery would be against equity and good conscience. Unit commanders are responsible for explaining to all personnel of their commands, including all replacements, the purpose and general provisions of family allowances. To the extent of available facilities, they also provide needed assistance in the preparation of applications and ensure their prompt transmittal to the ODB. They are also responsible for seeing that all reductions in or charges against an enlisted man's pay for the family allowance are properly entered on all pertinent records and that any known change in the status of the enlisted man or any of his relatives or dependents which would affect the payment of family allowances is reported immediately to the ODB.

The applications, which are still being received on the average of 12,000 per day, are handled on a production-line basis. A basic training course is given each ODB employee, in which he learns the principles of the law under which the benefits are authorized and all the steps involved in administering the benefits. At the end of his basic training course, the new employee is assigned to his place in the production line and receives special training in his own particular job. This system, under which the employee has an understanding of the whole process of which his job is only one small part, has reduced to a minimum the margin of error. It has stepped up production, increased the employee's interest in his job, and helped the accomplishment of the ODB motto—"Get 'Em Paid."

Family allowances are paid to the dependents of enlisted men in grades 4-7, the four lowest grades. In the Army, these grades are those of private, private first class, technician fifth grade, corporal, technician fourth grade, and sergeant. In lieu of family allowances, enlisted men of the first three grades—staff sergeant, first or technical sergeant,

and master sergeant—who have dependents are entitled by law to receive Government quarters or a rental allowance. The family allowance is payable for any period of active military service on or after June 1, 1942, during the existence of any war declared by Congress and for 6 months immediately following its termination. The eligible dependents are divided into two classes. Class A includes the wife, child, and the divorced wife who has not remarried and to whom alimony is payable. Class B dependents include the parents, brothers, sisters, and grandchildren of the soldier. The terms child, grandchild, brother, and sister are limited to unmarried persons under 18 years of age, or of any age if they are incapable of self-support by reason of mental or physical defect. Class A relatives do not have to be dependent on the soldier, but Class B dependents must be dependent on him for a substantial portion of their support to be eligible for an allowance.

The deduction from, or charge to, the pay of an enlisted man is \$22 if all the dependents are either Class A or Class B; if the allowances cover dependents of both classes an additional \$5 is withheld. The amount of Government contribution is fixed by law, in accordance with the relationship of the dependent to the serviceman. The following tabulation shows the total amount of the monthly allowance, including both the soldier's and the Government's contribution, for typical cases.¹

Dependent	Monthly allowance	Dependent	Monthly allowance
Wife but no child.....	\$50	1 parent.....	\$37
Wife and—		1 parent and—	
1 child.....	62	1 sister, brother, or grandchild.....	42
2 children.....	72	2 sisters, brothers, or grandchildren.....	47
3 children.....	82	3 sisters, brothers, or grandchildren.....	52
4 children.....	92	4 sisters, brothers, or grandchildren.....	57
5 children.....	102	5 sisters, brothers, or grandchildren.....	62
No wife but—		6 sisters, brothers, or grandchildren.....	67
1 child.....	42	2 parents.....	47
2 children.....	52	2 parents and—	
3 children.....	62	1 sister, brother, or grandchild.....	52
4 children.....	72	2 sisters, brothers, or grandchildren.....	57
5 children.....	82	3 sisters, brothers, or grandchildren.....	62
Divorced wife ¹	Up to 42	4 sisters, brothers, or grandchildren.....	67
Wife—		5 sisters, brothers, or grandchildren.....	72
No child and 1 parent.....	70	No parent but—	
No child and 2 parents.....	80	1 sister, brother, or grandchild.....	37
1 child and 1 parent.....	82	2 sisters, brothers, or grandchildren.....	32
2 children and 1 parent.....	92	3 sisters, brothers, or grandchildren.....	37
3 children and 1 parent.....	102	4 sisters, brothers, or grandchildren.....	42
4 children and 1 parent.....	112	5 sisters, brothers, or grandchildren.....	47

¹ Total allowance payable to a divorced wife depends on amount of alimony and number of other dependents of the soldier, but in no case will allowance exceed the decreed alimony or \$42 per month.

² A bill (S. 1270), to broaden the eligibility conditions, to increase allowances, and to provide an initial family allowance, was passed by the Senate but not acted on by the House before Congress recessed on July 8.

In adjudicating the millions of family allowance applications, with all the possible domestic and marital entanglements that are bound to exist among such large numbers of people, the ODB has had to act as a national court of domestic relations. Its determinations have involved the laws and interpretations of the laws of all the 48 States, the Territories, and, on many occasions, almost every country in the world. The problems that have arisen offer a valid argument for the adoption of uniform marriage and divorce laws.

The first problem is the question of common-law marriage. It has been determined that, when an enlisted man has entered into a common-law marriage which is recognized as such by the State in which it was contracted, the common-law wife, if otherwise eligible, is entitled to a family allowance. This ruling has necessitated a study of the policies and laws of all States in order to determine their attitude on this issue. It has also compelled a review of the position taken in prior years by States which have changed their policies in this matter. Constant attention must be given to all current court decisions dealing with the subject. The ODB has also held that, if an enlisted man has entered into a common-law marriage and it is recognized as such, any subsequent attempted marriage does not invalidate the common-law marriage and the common-law wife receives the family allowance.

The legal subject of the recognition and validity of divorce decrees together with the collateral problems of "procedural due process" and "full faith and credit" have had repercussions in many ODB determinations. Attempts have been made by parties in interest to give a peculiar validity and interpretation to certain divorce decrees which, in fact, they did not have. Others have attempted to use the ODB as a forum in which to challenge support orders, separation agreements, and annulment proceedings. One established policy of the ODB is that, if the wife of an enlisted man has filed suit for divorce and is not seeking alimony, that fact of itself does not disqualify her for an allowance until such divorce without alimony is granted. It has also been determined that a divorced wife who has not remarried and to whom alimony in a lump sum, as well as in periodic payments, has been decreed and is still payable is entitled to family allowance to the extent of the unpaid portion of the alimony. Another

determination is that the death or divorce of the wife of an enlisted man, when there is surviving issue, will not of itself disqualify the parents of such wife from the benefits of the act.

Each case involving a divorce, a separation, or an annulment is individually considered, and the ruling in one instance is not applicable to another situation unless all the material facts are identical. This procedure has necessitated the institution of a policy of refusing to answer hypothetical questions concerning eligibility for a family allowance. Not until certified or photostatic copies of all relevant documents have been received will a determination on a particular application be made.

Under the present law, the ODB has no authority to consider the moral conduct or character of a beneficiary in determining that individual's eligibility for family allowance. The wife and children of a man in the service are entitled to a family allowance on the basis of that relationship alone. So long as a woman remains the lawful wife of a soldier in an eligible grade, she may apply for and receive an allowance whether or not the soldier acquiesces. The only alternative for the enlisted man is to secure a legal dissolution of his marital status or to achieve promotion to an ineligible grade. The compulsory allowance feature for Class A relatives has led many servicemen to seek divorces from undeserving wives. The exigencies of the service, however, have virtually frozen the marital status of most servicemen. A man's complaint that he has not seen his wife for a long time, that she has been unfaithful, that he no longer cares for her, or that she has deserted him cannot affect in any way the statutory obligation of contribution from his pay. Several suggestions have been offered and considered to remedy this situation, but no practical solution has yet been discovered.

Early in the operation of the act the question arose whether aliens, including enemy aliens and residents of foreign countries or both, would be entitled to receive a family allowance. It was determined that applications received on behalf of qualified relatives and dependents in any of the stated categories would be approved regardless of the fact that such relatives or dependents might be aliens or citizens of the United States residing in foreign countries with which trade or exchange was prohibited. However, actual payments are made only when not prohibited by

the Treasury Department's freezing orders and restrictions. In cases in which payments are at present barred, the family allowance funds may be claimed later by the beneficiaries under established fiscal procedure.

Obviously, not all applications for the family allowance can be approved for payment. Thousands of them do not meet the requirements of the law as to relationship or dependency. On the other hand, there are thousands of individuals who do in fact meet the requirements and who normally would receive the benefits provided, but whose benefit payments are delayed because of their failure to understand exactly what documentary proof must accompany the application. Every statement involving relationship and dependency which is made in an application for a family allowance must be proved by acceptable documentary evidence. This requirement sometimes causes delay in beginning payment, because so much of the documentary proof submitted is inadequate and insufficient.

Another problem has been the large number of requests for information made by various types of organizations, by employers, and by State, county, and city authorities about specific individuals or groups of individuals and the status of their family allowance applications. Various types of patriotic and public-spirited organizations have signified a desire to help relatives and dependents of men in service to secure their allowances. In order to carry out their plans, they claim they must know the status of the application. Employers have written in to ask how much certain dependents are receiving and when payments are to be made, in order that they may relate the payments to company plans for continued payments to the men in service. Various State, county, and city authorities want to know all about a particular serviceman's allowance so that they may reduce relief payments and use the information in the administration of their public

welfare funds. To comply reasonably with all these requests would require a separate staff of thousands of employees. Even further, it would delay greatly the processing of applications and the making of payments, because the case folders would be held up while the information was being obtained. Accordingly, a uniform policy has been established that the ODB is unable to give information on specific cases to anyone but the serviceman, his dependents, or his relatives.

The duplication of names and the necessity for care in communicating with the proper individuals is another administrative factor. Since many of the letters received fail to give the soldier's Army serial number, identification is difficult if not impossible, and additional time must be taken to find the proper person's records. In many instances, further correspondence is entailed.

The failure of the soldier to give the proper address of his dependents at the outset, and the failure of the dependents to notify the ODB or their local postmaster of their removal to a new address, have caused additional effort and expense in getting the checks out to dependents. The Post Office Department returns about 40,000 checks each month, an unreported change of address having prevented their delivery in most instances. The returned checks are filed in the hope that an indignant demand to know why the usual monthly check has not been delivered may furnish a clue to the proper address.

Few precedents existed to guide those who became charged with the administration of the Servicemen's Dependents Allowance Act of 1942. It became necessary to blaze a trail which has now developed into a broad path. The ODB staff, including experts in the fields of law, welfare work, accounting, insurance, and business-machine operations, are together accomplishing a governmental undertaking of the greatest magnitude and importance, and one in which every American may take just pride.