

FWD ASSIST HQ / CLAIM TOOLKIT / NO. 19

The Year That Does Not Move

Most VA deadlines are softer than they look. There is one here that is not, and it runs out quietly while everybody is still sorting through paperwork.

In the months after, nothing feels urgent in the right order. The casseroles stop, the mail keeps coming, and somebody eventually says you should probably look into benefits.

Most of what you will look into has no hard deadline. One thing does. There was money already owed to them at the time of death, and the window to ask for it is one year, and it does not stretch.

WHAT IS IN HERE

1. The deadline that actually closes
2. What else is on the table, because it is not one claim
3. The inventory worksheet
4. A check before you file

If the question is whether the death was connected to his service, that is a different toolkit, Two More Questions. This one assumes you are working out what to file and in what order.

This page says he and his because most of the families who use it lost a husband or a father. Every rule here works the same way for a woman veteran.

This is general education. It is not legal advice, medical advice, or a promise about any claim result. Nobody can promise you an outcome. A VA-accredited representative can help you with your claim at no cost. FWD Assist HQ is not affiliated with the Department of Veterans Affairs or any government agency.

Accrued benefits

Money that was already his, that had not been paid yet.

A claim can be pending when somebody dies. Or a decision can be made and the payment not yet issued. Those amounts do not simply vanish, and they are not part of an estate in the ordinary way. On a veteran's death the statute names an order: the surviving spouse, then the children in equal shares, then dependent parents in equal shares. It also covers other situations, including the death of a surviving spouse or a child, and it provides that in all other cases only enough may be paid to reimburse whoever bore the expense of last sickness and burial. So a family with none of the first three should still ask.

THE ONE LINE TO REMEMBER

Applications for accrued benefits must be filed within one year after the date of death.

Not one year from when you found out. Not one year from when you felt able to deal with it. One year from the date of death, written into the statute.

AND THERE IS A SECOND CLOCK INSIDE IT

If the application is incomplete, VA notifies you of what else is needed. If that evidence does not come in within one year of that notice, no accrued benefits may be paid. So an application filed and then set aside in a pile of mail can expire even after you filed it on time.

WHAT YOU ACTUALLY FILE

VA Form 21P-534EZ, Application for DIC, Survivors Pension, and/or Accrued Benefits (August 2025 version), is the one form that covers all three at once, which is why it is the one an accredited representative will usually reach for first.

Form numbers and versions change. Check at va.gov before you send, and keep a copy of what you sent and when.

The order of operations here is not obvious. The instinct is to wait until you understand everything before anything gets filed. Here that instinct works against you, because this is the deadline that does not move while you are still gathering.

It is not one claim

This is the second thing that costs families. They think of it as applying for survivor benefits, singular. It is several separate things with separate rules, and nobody hands you a list.

What it is	Roughly what it turns on
Accrued benefits	Money already owed at the time of death. One year from the date of death. This is the urgent one.
Dependency and Indemnity Compensation	Whether the death was service connected, or how long he was rated totally disabling before he died. See the toolkit Two More Questions.
Survivors Pension	Wartime service plus need. Different question entirely from DIC, and a family can be wrong for one and right for the other.
Health coverage for survivors	Depends on the veteran's status and yours. Worth asking about specifically, because it is easy to miss.
Burial and memorial benefits	Separate again, and often has its own filing considerations.
Education and home loan benefits	Can flow to a surviving spouse or children in some circumstances. Ask rather than assume.

THE PRACTICAL POINT

Being told no on one of these tells you nothing about the others. Families hear a denial, understand it as a denial of survivor benefits, and stop. An accredited representative can walk the whole list with you in one sitting, at no cost.

The eligibility rules for each of these are specific and they change. This page is a list of doors to ask about, not a description of who qualifies for what. Do not rule yourself out from this page.

The inventory

Fill in what you know and leave the rest. Take this to whoever helps you. It will cut the first appointment in half.

VA phone numbers are all on one page, va.gov/resources/helpful-va-phone-numbers. The benefits hotline is the one for claims and payments.

Two housekeeping things worth doing in the same week: tell VA about the death, and watch the bank account. Before returning anything, ask what you are entitled to keep. A surviving spouse is generally entitled to the amount the veteran would have received for the month of death, and later payments are a separate question that can become a debt. Both answers come from VA or an accredited representative, not from guessing.

NAME

DATE

Date of death, and one year from that date

Write both. The second one is the number that matters.

Was anything pending when they died?

A claim in progress, an appeal, an increase, a decision he had received but not been paid on. Check his mail and his VA account. If you are not sure, say so and ask.

His service and his ratings

What	Details
Branch and service dates	
Wartime service? When	
Service-connected conditions	
Ever rated totally disabling? From when	
Was he receiving payments at death	

Who is in the family

Surviving spouse, children and their ages, dependent parents. The statute pays accrued benefits in that order.

Before you file

- ☐ I wrote down the date of death and the date one year after it.
- ☐ I asked whether anything was pending or unpaid when they died.
- ☐ I checked whether a DIC or pension claim already filed counts as this one too.
- ☐ I filed early rather than waiting to understand everything.
- ☐ If VA asked me for more, I put that request at the top of the pile.
- ☐ I asked about every item on the list, not only the first one mentioned.
- ☐ I did not treat a denial on one benefit as a denial of all of them.
- ☐ I have the death certificate and marriage certificate where I can find them.
- ☐ I asked an accredited representative to walk the whole list, at no cost.

IF THE YEAR HAS ALREADY PASSED

Ask before you accept that. The regulation says a claim for survivors pension, compensation, or dependency and indemnity compensation by an apportionee, surviving spouse, child or parent is deemed to include a claim for any accrued benefits. An apportionee is somebody VA was paying a share of the veteran's benefit to directly. If you filed one of those in time, you may have already filed for this without knowing it. If nothing was filed in time, then this one is likely gone, and that is a real loss worth saying plainly. The other benefits on the list are a different matter.

NOBODY SHOULD CHARGE YOU TO FILE

Help from an accredited Veterans Service Officer is free. Always. Disabled American Veterans, the Veterans of Foreign Wars, the American Legion and your state or county veterans service office all have accredited representatives and none of them charges you. The search is at va.gov/get-help-from-accredited-representative/find-rep.

Nobody may charge you a fee for helping with your claim before VA issues its first decision on it. That rule is 38 USC 5904(c)(1). After the first decision an accredited agent or attorney may charge, and 38 CFR 14.636 sets the limits, measured against past-due benefits, which means the back pay owed for the stretch before the decision: a fee not over 20 percent of that is presumed reasonable if that person represented you through the date of the decision, and a fee over one third is presumed unreasonable. Only an accredited agent or attorney may charge you anything.

So if somebody who is not accredited offers to file for you, wants money up front, or wants a cut, walk away and report them to the VA Office of Inspector General at 1-800-488-8244.

Where this is written down

Accrued benefits, including who may be paid and in what order, the reimbursement of last sickness and burial expenses in other cases, and the requirement that an application be filed within one year after the date of death, are in 38 USC 5121. The parallel regulation, including the provision that a claim for survivors pension, compensation, or dependency and indemnity compensation is deemed to include a claim for accrued benefits, is 38 CFR 3.1000. The month-of-death benefit for a surviving spouse is 38 USC 5310.

Statute: uscode.house.gov, Title 38, section 5121. Regulation: ecfr.gov, Title 38, Part 3, section 3.1000. Confirm current forms at va.gov. Eligibility for the other benefits listed here lives in their own regulations and is not described here.

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Current as of October 2026. Regulations change. Check for a newer version before you rely on this.

If working on this is bringing things up, the Veterans Crisis Line is 988 then press 1, or text 838255. Family members can call it too.