



Approved On:

DOJ Policy Statement

DEATH GRATUITY PAYMENT

PURPOSE: Establishes Department of Justice (DOJ or Department) policy and procedures for death gratuity payments.

SCOPE: All DOJ components

ORIGINATOR: Justice Management Division, Human Resources Staff

CATEGORY: (I) Administrative (II) Human Resources

AUTHORITY: 5 U.S.C. § 8102 (a); 20 C.F.R. § 10.916 (a); 5 U.S.C. § 8133; and Order DOJ 1200.1, Human Resources (see Appendix A)

CANCELLATION: DOJ Order 1200.1: Part 6: Workers' Compensation Program Chapter 6-3, Death Gratuity Payment (April 13, 2009)

DISTRIBUTION: Electronically distributed to those referenced in the "SCOPE" section and posted on the DOJ directives electronic repository (SharePoint) at <https://doj365.sharepoint.us/sites/jmd-dm/dm/SitePages/Home.aspx>

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Lee Lofthus Date: 2022.02.02
13:58:11 -05'00'

ACTION LOG

Issuing Component must review its DOJ directives, at a minimum, every 5 years and make revisions as necessary. The action log records dates of approval, recertification, and cancellation, as well as major and minor revisions to this directive and provides a brief summary of all revisions. In the event this directive is cancelled, superseded, or supersedes another directive, that will also be noted in the action log.

| Action | Authorized by | Date | Summary |
|--|---|------|---|
| Initial Document Lee Lofthus <small>Date: 2022.02.02 14:59:46 -05'00'</small> | Lee J. Lofthus Assistant Attorney General for Administration | | Establishes policy, procedures, and mandates/processes regarding death gratuity payments. |

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DEFINITIONS

| Term | Definition |
|--------------------------------|---|
| Component | A DOJ office, board, division, or bureau identified in 28 C.F.R. § 0.1, including the Office of the Inspector General. |
| Employee | For the purpose of benefits payable under this policy statement, “employee” is defined as an officer or employee in any branch of government of the United States as defined in 5 U.S.C. § 8101. |
| Head of Component | Official who directs the administration and operations of offices, boards, divisions, and bureaus with delegated human resources authority. |
| Injury | Includes an injury by accident (traumatic injury) or a condition (disease) proximately caused by employment. |
| Occupational Disease | An occupational disease is defined as a condition produced in the work environment over a period longer than one workday or shift. It may result from systemic infection, repeated stress or strain, exposure to toxins, poisons, or fumes, or other continuing conditions of the work environment. (See DOL Publication, CA-810, Injury Compensation for Federal Employees). |
| Performance of Duty | An employee engaged in assigned duties or engaged in an activity reasonably associated with the employment, which may be on work premises or off premises while engaged in work activity. An employee in travel status is covered 24 hours a day for all activities incidental to the work assignment. Such activities include, but not limited to, obtaining meals, using the hotel room, and traveling between the hotel and work site. (See DOL Publication, CA-810, Injury Compensation for Federal Employees). |
| Personal Representative | An individual formally designated executor or administrator of the employee’s estate by operation of State law and/or orders of precedence governing the payment of an employee’s unpaid compensation, as set forth in Title 5. |
| Traumatic Injury | A wound or other condition of the body caused by external force, including stress or strain. The injury must be identifiable by time and place of occurrence and member of the body affected; it must be caused by a specific event, incident, or series of events or incidents within a single day or work shift. (See DOL Publication, CA810, Injury Compensation for Federal Employees). |

ACRONYMS

| Acronym | Meaning |
|---------------|---|
| C.F.R. | Code of Federal Regulations |
| DOL | Department of Labor |
| FAM | Foreign Affairs Manual |
| FECA | Federal Employees' Compensation Act |
| OWCP | Office of Worker's Compensation Program |

I. Policy

This policy statement outlines the authorities, establishes the policies, and describes the responsibilities for the administration and management of the Department of Justice (DOJ or Department) Death Gratuity Payments as authorized under 5 U.S.C. § 8102 (a) and 20 C.F.R. § 10.916 (a).

The Department may pay a death gratuity of up to \$10,000 to the personal representative of an employee, whose death from an injury sustained in the performance of duty occurred on or after August 2, 1990. This includes employees who die after separation from the DOJ, if the death is the result of an injury sustained in the performance of duty. It does not include an employee whose death is determined to have resulted from willful misconduct.

The death gratuity payment is in addition to other amounts paid except that the amount must be offset by any payments authorized by the Department of Labor's (DOL) Office of Workers' Compensation Program (OWCP) under 5 U.S.C. §§ 8133(f) and 5 U.S.C. 8134(a). Components are responsible for and must administer payment of the death gratuity from their appropriated funds.

II. Death Gratuity Benefit Determinations

A. Authorizing Officials

The Head of the Component (Authorizing Official) in which the decedent was employed, with the exception noted below, is authorized to approve a death gratuity payment. If the employee held a United States Marshal, United States Attorney, Senior Executive Service, or Senior Level position, the Authorizing Official is the Deputy Attorney General, with respect to organizational units reporting to him/her, or the Associate Attorney General, with respect to organizational units reporting to him/her.

B. Determination Process

Component Human Resources Officers should submit recommendations for payment to the appropriate Authorizing Official. The recommendation must be based on whether an employee sustained an injury while in the performance of duty. A determination made by the DOL OWCP must be used to establish whether an employee sustained an injury in the performance of duty. In the absence of a DOL OWCP determination, the component must not approve a death gratuity payment, nor submit documentation to authorize a death gratuity payment.

C. Determination of Personal Representative

A final determination that a death gratuity is to be paid must include the proper personal representative who will be the beneficiary of the payment, which the Authorizing Official must determine as follows:

1. Designated Executor and/or Administrator

Formal designated executor and/or administrator of the decedent's estate made under State law; or

2. Order of Precedence

If there is no designated beneficiary living, payment after the death of the employee will be payable to the first person(s) listed below who are alive on the date title to the payment:

- a. To the widow or widower;
- b. If none, to the child or children in equal shares, with share of any deceased child distributed to the dependents of that child;
- c. If none, to any surviving parents;
- d. If none, to the executor or administrator of the estate.
- e. If none, to the next of kin who is entitled under the laws of the state in which the deceased employee was domiciled on the date of death.

III. Additional Benefits

The decedent's personal representative may be entitled to additional benefits under the Federal Employees' Compensation Act (FECA) and Sections 413, 415, and 416 of the Foreign Service Act of 1980. Component Human Resources Officers must take the necessary action to determine if additional benefits are payable.

A. Benefits Under the Federal Employees' Compensation Act

Under the Federal Employees' Compensation Act (FECA), the following benefits are payable with respect to an employee, as defined under 5 U.S.C. § 8101:

1. At the discretion of the Secretary of Labor, burial and funeral expenses up to \$800 under 5 U.S.C. § 8134(a);

2. Under 5 U.S.C. § 8133(f), up to \$200 in reimbursement cost for termination of decedent's status as an employee of the United States; and
3. Monthly compensation to eligible dependents, as defined in 5 U.S.C. § 8133.

The one-time payments under (1) and (2) from DOL OWCP (\$800 for burial expenses and \$200 for administrative costs payment for a total of up to \$1,000) must offset any death benefit gratuity payment.

B. Benefits Under the Foreign Service Act for Deaths Resulting from Terrorism

If benefits under FECA have been approved by DOL OWCP, the Component Human Resources Officer must take action to determine if additional benefits are payable under the U.S. Department of State Foreign Affairs Manual (FAM) Volume 3 (3 FAM 3650), Death Benefits For Death in the Performance of Duty. For the purpose of determining whether an employee is eligible for benefits under Sections 413, 415, and 416 of the Foreign Service Act of 1980 (22 U.S.C. §§ 3973, 3975 and 3976), the Secretary of State has sole authority to determine whether an employee's death resulted from terrorism, as defined under 22 U.S.C. § 2656f (d).

1. Death Gratuity

Under 3 FAM 3653.1(a)(2), the death gratuity benefit under Section 413 of the Foreign Service Act of 1980, is payable to the surviving dependents of an employee as defined in 5 U.S.C. § 8101, who dies as a result of injuries sustained in the performance of duty abroad while subject to the authority of the chief of mission pursuant to Section 207 of the Foreign Service Act of 1980.

2. Life Insurance Supplement

Under 3 FAM 3653.1(b)(2), the life insurance supplement provided in Section 415, of the Foreign Service Act of 1980, allows for payment to eligible survivors of an employee as defined in 5 U.S.C. § 8101, who dies from injuries sustained as a result of terrorism while on duty abroad and subject to the authority of the chief of mission pursuant to Section 207 of the Foreign Service Act of 1980.

3. Educational Assistance

Under 3 FAM 3653.1(c)(2), educational assistance authorized under Section 416, of the Foreign Service Act of 1980 is available to eligible survivors of an employee as defined in 5 U.S.C § 8101, who dies from injuries sustained as a result of terrorism while on duty abroad and subject to the authority of the chief of mission pursuant to Section 207 of the Foreign Service Act of 1980.

IV. Roles and Responsibilities

A. Component Human Resources Officer

The Component Human Resources Officer submits written recommendations for death gratuity payments to the appropriate Authorizing Official (See sample memorandum in Appendix B).

B. Head of Component (Authorizing Official)

The Authorizing Official makes determinations related to death gratuity payments.

V. Processing Information

In coordination with the DOL OWCP determination, the Component Human Resources Officer must provide JMD Finance staff written notification that a death gratuity is payable. The notification must follow the guidance provided in FSPay Notice #20-01, Death Gratuity Payment, (Appendix C), and include: the decedent's name and social security number; amount to be paid; name and mailing address of personal representative; and name and telephone number of component point of contact.

The Component Human Resources Officer must send the decedent's personal representative a letter informing him/her that a death gratuity payment is being processed (See sample letter in Appendix D).

APPENDIX A: REFERENCES

| Administrative Directives | |
|------------------------------------|---|
| Statutes | 5 U.S.C. § 8102 (a) 5 U.S.C. § 8101 5 U.S.C. § 8133 5 U.S.C. § 8134 (a) 22 U.S.C. § 2656f (d) |
| Code of Federal Regulations | 28 C.F.R. § 0.1 20 C.F.R. § 10.916 (a) |
| Guidance | FSPay Notice #20-01, Death Gratuity Payment JMD Finance, Death Gratuity Payment Manual Process Benefits Administration Letter – 96-109, New Death Gratuity Payment Authority Benefits Administration Letter – 97-104, Tax Status of New Death Gratuity Payment Authority U.S. Department of State Foreign Affairs Manual, Volume 3, (3 FAM 3650), Death Benefits For Death in the Performance of Duty DOL Publication, CA-810, Injury Compensation for Federal Employees |

**APPENDIX B: SAMPLE RECOMMENDATION MEMORANDUM TO HEAD OF
COMPONENT REQUESTING PAYMENT OF A DEATH GRATUITY**

MEMORANDUM FOR HEAD OF COMPONENT
COMPONENT'S NAME

FROM: Name of Human Resources Officer
Human Resources Officer

SUBJECT: Payment of Death Gratuity Benefit for
Decedent's Name

Purpose: To authorize payment of a Death Gratuity Benefit to the personal representative of **Decedent's Name, Decedent's Title, and Decedent's Office** in accordance with 5 U.S.C. § 8133.

Summary of Event in Support of Death Gratuity: The Decedent's injury occurred in his/her office when he/she struck his/her head on the edge of a desk on December 19, 2019. The Decedent entered the hospital for treatment related to the injury on December 19, 2019, and remained in the hospital until his/her death on January 1, 2020. His/her family filed a claim for benefits with the Department of Labor, Office of Workers' Compensation Program (OWCP). OWCP approved the claim on January 8, 2020.

Payment already made to Decedent's Personal Representative: The Decedent's family received a one-time payment from OWCP of \$800 in burial expenses and a \$200 administrative cost payment for a total of \$1,000.

Death Benefit Gratuity Entitlements: The Death Benefit Gratuity statute provides for the payment of a death gratuity of up to \$10,000 to the personal representative of an employee whose death from an injury is sustained in the line of duty occurring on, or after August 2, 1990. This \$10,000 death gratuity is reduced only by those offset payments listed in 5 U.S.C. § 8133.

The aforementioned \$800 and \$200 payments already paid to the Decedent's family are required offset payments under the Death Benefit Gratuity statute. Therefore, the maximum amount payable by the employing Component to the Decedent's personal representative is \$9,000. Once approved, the payment of the gratuity is transmitted from the Office's Direct Appropriation, cost center XXXX, sub-object 1333, Death Gratuity Benefits.

Enclosed are copies of:

- Decedent's death certificate;
- OWCP determination for Decedent's case
- Standard Form (SF-50), Notification of Personnel Action; and
- Copy of the Decedent's will or other documentation identifying the personal representative.

RECOMMENDATION: Recommend approval for the payment of a Death Gratuity Benefit of \$9,000 to the personal representative, [Name of Personal Representative].

APPROVE: _____

DISAPPROVE: _____

OTHER: _____

Attachments

APPENDIX C: FSPAY NOTICE #20-01, DEATH GRATUITY PAYMENT



U.S. Department of Justice
Justice Management Division
Finance Staff

Washington, D.C. 20530

FSPAY NOTICE #20-01

Date: June 10, 2020
SUBJECT: Death Gratuity Payment
TO: DOJ Servicing Payroll Officers
FROM: Jermaine H. Cooper, Assistant Director
Financial Systems Payroll Systems Group

A handwritten signature in black ink, reading "Jermaine H. Cooper".

The FSPAY is providing procedures on how to process death gratuity payments through the Special Payroll Processing System (SPPS) Web application to the National Finance Center (NFC). Agencies are advised that death gratuity payments are not automatic and that the survivors must file a claim to receive the benefits for an employee who dies of an injury sustained in the line of duty. This payment is only payable when the Department of Labor, Office of Workers Compensation Program (OWCP) has approved the death claim. In addition, agencies must coordinate with OWCP to determine the amount of the death gratuity payment and/or if any payments may have been made previously under 5 U.S.C.8133(f) and 8134(a).

Once the Payroll Office has obtained the adequate information and/or written notification that a death gratuity is payable, agencies must enter the transaction request into SPPS Web to NFC for processing. The request must contain the following information so that the payment is processed correctly. (1) deceased's name and Social Security number; (2) amount of the gratuity to be paid; (3) name and mailing address of the personal representative to receive gratuity payment; and (4) name and telephone number of the individual who can be contacted to obtain the proper accounting payment. The attached instructions are provided to assist the agencies in processing in SPPS.

If you have any questions regarding this process, please contact Carmen Montero of my staff on 202-616-6328 or via e-mail at Carmen.Montero2@usdoj.gov.

Death Gratuity Payment Manual Process

Step 1: Log into SPPS Web and enter your User Id and Password.

SPPS
SPECIAL PAYROLL PROCESSING SYSTEM

Log In

User ID

Password

Log In

[Change Password](#)

Welcome to SPPS

With SPPS you can:

- Request and process manual adjustments
- Request and process inquiries

News and Announcements

- For info on changes, check out the SPPS Training Schedule on [SES HOMEPAGE](#)
- For more detailed info, read the [SPPS LINK](#)
- Further assistance is available via [NFC Contact Us](#)

[NFC Home](#) [HR and Payroll](#) [Accessibility](#) [Security](#) [Privacy Policy](#) [Contact Us](#)

Step 2: Select other agencies.

Database Selection

☐ AGRICULTURE AGENCIES

☐ HOMELAND AGENCIES

☐ OTHER AGENCIES

☐ TREASURY AGENCIES

[NFC Home](#) [HR and Payroll](#) [Accessibility](#) [Security](#) [Privacy Policy](#) [Contact Us](#)

Step 3: Select 'Adjustment List'.



Step 4: Complete the required fields and select 'Miscellaneous Payment' for the type of adjustment. Then select 'Add Adjustment'.

The screenshot shows the 'Agency Adjustment List' form in the SPPS system. The form has a light green background and is set against a dark green header. The header contains the SPPS logo and the text 'SPECIAL PAYROLL PROCESSING SYSTEM' on the left, and a navigation menu with links: 'Add Adjustment', 'Interest', 'Reports', 'Home', 'Help', and 'Logout' on the right. The form itself has a title 'Agency Adjustment List' and contains several input fields: 'SSN' (with a redacted value), 'Agency' (with a dropdown menu), 'POI' (with a dropdown menu), 'User ID' (with a dropdown menu), 'Status' (with a dropdown menu), 'Type Adjust' (with a dropdown menu), 'PP' (with a dropdown menu), and 'Yr' (with a dropdown menu). There are also 'Search' and 'Reset' buttons. At the bottom right of the form, it says 'Number of Documents: 0'.

Step 5: Please complete all the required fields on the add adjustment screen. Because it is a Death Gratuity Payment, select 'NFC Process' and in the 'Agency Remarks' the agency should type the description of the payment following the required information listed on the memorandum.

SPPS
SPECIAL PAYROLL PROCESSING SYSTEM

WEBAPP22: 3/17/2020 -- 12:22 PM, CV: 6

Adjustment List Interest Reports Home Help Logout

Add Adjustment

Autotitles (*) indicate required fields

Quick Information

ID: [REDACTED] First [REDACTED] Middle [REDACTED] Last [REDACTED]

Agency: [HC] [POL] [1831] Pay Period: [05] Year: [2020] Type Payment: [637]

Received Date: [3/17/2020] Type of Adjustment: [MISCELLANEOUS PAYMENT]

Contact Person

First Name: [REDACTED] Last Name: [REDACTED] Phone Number: [REDACTED]

Email: [REDACTED]

☒ NFC Process

(Agency Users: Once you specify the Adjustment to be 'NFC PROCESS' and the record has been processed by NFC, you will not be able to update it. The Agency Remarks require a narrative description of what is needed for NFC to process payment (ex. gross, accounting, address, etc...))

Agency Remarks

Presents Death Gratuity Payment to Jane Doe in the amount of \$10,000.00.
[Other type in address to send check or DD/EP]

200 Remaining of 320 Characters

Save

Step 6: Read the remarks again for accuracy and select 'Save' once your review is completed.

**APPENDIX D: SAMPLE LETTER TO PERSONAL REPRESENTATIVE
ADVISING APPROVAL OF DEATH GRATUITY
BENEFIT PAYMENT**

Personal Representative's Name
1234 Address Street
Address, AD 12345

Dear Personal Representative's Name:

This informs you that under provisions of 5 U.S.C. § 8133, you as the personal representative for your late husband/wife, Decedent's Name, will receive a death gratuity payment. I have authorized payment of the gratuity in the amount of \$9,000, the maximum amount payable to you under the law because of reductions due to payments under other statutes, specifically, the amounts of \$200 and \$800 paid by the Office of Workers' Compensation Program (OWCP).

For tax purposes, the death gratuity paid to you is not subject to FICA withholdings for Social Security and Medicare since payment of this money is in the calendar year after the Decedent's Name death. The payment is fully subject to Internal Revenue Service income tax withholding.

In order to process this payment, we need your social security number for tax purposes. Please send me this information in the enclosed envelope. If you have any questions, please do not hesitate to contact, POC's name at POC's telephone number.

We wish to express our condolences on your loss.

Sincerely,

Human Resources Officer

Enclosure