

**§ 1479. Death gratuity: delegation of determinations, payments**

For the purpose of making immediate payments under section 1475 of this title, the Secretary concerned shall—

(1) authorize the commanding officer of a territorial command, installation, or district in which a survivor of a person covered by that section is residing to determine the beneficiary eligible for the death gratuity; and

(2) authorize a disbursing or certifying official of each of those commands, installations, or districts to make the payments to the beneficiary, or certify the payments due them, as the case may be.

(Added Pub. L. 85-861, §1(32)(A), Sept. 2, 1958, 72 Stat. 1455; amended Pub. L. 97-258, §2(b)(1)(A), Sept. 13, 1982, 96 Stat. 1052.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1479 .....	38:1132.	Aug. 1, 1956, ch. 837, §302, 70 Stat. 868.

The word “territorial” is substituted for the words “military or naval”, since the subsection could only apply to that type of command, installation, or district. Clause (2) is substituted for 38:1132(2).

**Editorial Notes**

AMENDMENTS

1982—Par. (2). Pub. L. 97-258 substituted “official” for “officer”.

**§ 1480. Death gratuity: miscellaneous provisions**

(a) A payment may not be made under sections 1475-1477 of this title if the decedent was put to death as lawful punishment for a crime or a military offense, unless he was put to death by a hostile force with which the armed forces of the United States were engaged in armed conflict.

(b) A payment may not be made under section 1476 unless the Secretary of Veterans Affairs determines that the decedent was discharged or released, as the case may be, under conditions other than dishonorable from the last period of the duty or training that he performed.

(c) For the purposes of section 1475(a)(3) of this title, the Secretary concerned shall determine whether the decedent was authorized or required to perform the duty or training and whether or not he died from injury so incurred. For the purposes of section 1476 of this title, the Secretary of Veterans Affairs shall make those determinations. In making those determinations, the Secretary concerned or the Secretary of Veterans Affairs, as the case may be, shall consider—

- (1) the hour on which the Reserve began to travel directly to or from the duty or training;
- (2) the hour at which he was scheduled to arrive for, or at which he ceased performing, that duty or training;
- (3) the method of travel used;
- (4) the itinerary;
- (5) the manner in which the travel was performed; and
- (6) the immediate cause of death.

In cases covered by this subsection, the burden of proof is on the claimant.

(d) Payments under sections 1475-1477 of this title shall be made from appropriations available for the payment of members of the armed force concerned.

(Added Pub. L. 85-861, §1(32)(A), Sept. 2, 1958, 72 Stat. 1455; amended Pub. L. 101-189, div. A, title XVI, §1621(a)(2), (5), Nov. 29, 1989, 103 Stat. 1603.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1480(a) .....	38:1134(a).	Aug. 1, 1956, ch. 837, §§102(6)(B) (less 1st sentence, as applicable to death gratuity) 303(e), 304(a), (b), 70 Stat. 859, 869.
1480(b) .....	38:1133(e).	
1480(c) .....	38:1101(6)(B) (less 1st sentence, as applicable to death gratuity).	
1480(d) .....	38:1134(b).	

In subsection (a), the words “was put to death” are substituted for the words “suffered death”. The words “or naval” are omitted as covered by the word “military”.

In subsection (b), the words “last period \* \* \* that he performed” are substituted for the words “such period”.

**Editorial Notes**

AMENDMENTS

1989—Subsec. (b). Pub. L. 101-189, §1621(a)(2), substituted “Secretary of Veterans Affairs” for “Administrator of Veterans Affairs”.

Subsec. (c). Pub. L. 101-189, §1621(a)(2), (5), substituted “Secretary of Veterans Affairs” for “Administrator of Veterans Affairs” after “section 1476 of this title, the” and “the Secretary concerned or the Secretary of Veterans Affairs” for “the Secretary or the Administrator”.

**§ 1481. Recovery, care, and disposition of remains: decedents covered**

(a) The Secretary concerned may provide for the recovery, care, and disposition of the remains of the following persons:

- (1) Any Regular of an armed force under his jurisdiction who dies while on active duty.
- (2) A member of a reserve component of an armed force who dies while—
  - (A) on active duty;
  - (B) performing inactive-duty training;
  - (C) performing authorized travel directly to or from active duty or inactive-duty training;
  - (D) remaining overnight immediately before the commencement of inactive-duty training, or remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training;
  - (E) staying at the member’s residence, when so authorized by proper authority, during a period of inactive duty training or between successive days of inactive duty training;
  - (F) hospitalized or undergoing treatment for an injury, illness, or disease incurred or aggravated while on active duty or performing inactive-duty training; or
  - (G) either—
    - (i) serving on funeral honors duty under section 12503 of this title or section 115 of title 32;
    - (ii) traveling directly to or from the place at which the member is to so serve; or