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**OBSOLETE POLICY**

**Effective Dates:  
09/27/2005 - 01/23/2015**

**Citations:**

Soc. Sec. Act, Sec. 217(a)-(e);  
20 CFR 404.1301-1363; 20 CFR 404.1019

TN 10 (09-05)

## **RS 01701.020 Military Service Wage Credits - Pre-1957 MS**

### **A. Introduction**

Before 1957, MS was not covered by Social Security (SS). This section explains the \$160/month wage credits which may be granted for MS from 9/16/40 through 12/31/56. These dates include the World War II (WW II) period which begins on 9/16/40 and extends through 7/24/47, and post-WW II period which begins on 7/25/47 and extends through 12/31/56.

**NOTE:** This URL provides a link to the Department of Veterans Affairs:  
<http://www.va.gov>.

### **B. Policy - WW II/Post-WW II Veteran**

A WW II/Post-WW II veteran is any individual who:

- served on active U.S. military or naval service, and was discharged or released from active service under conditions other than dishonorable after serving at least 90 days, or less than 90 days because of disability or injury incurred or aggravated in the line of duty; or
- is still in the active service; or

died while in active service (unless death was the result of lawful punishment for military or naval offense).

- served in active service in the Philippine Scouts or as a resident Filipino in the U.S. Navy during the WW II or post-WW II period (see [RS 01701.020H.](#)); or
- served in active military or naval service of certain allied countries during the WW II period only. (See [RS 01701.020F.](#) and [RS 01701.020G.](#))

## **C. List of U.S. Military and Naval Services**

The U.S. military and naval services include:

- members of reserve or regular components of the U.S. Army, Air Force, Navy, Coast Guard or Marine Corps;
- commissioned officers of the Public Health Service (PHS) or Coast and Geodetic Survey (CGS) (see [RS 01701.050](#) for details);
- students at U.S. Military, Naval, Air Force, or Coast Guard Academies; (see [RS 01701.020I.](#) for details)
- Women's Army or Navy Nurse Corps, Women's Marine Corps or Coast Guard Reserve, Women's Army Corps (WAC) or Women's Army Auxiliary Corps (WAAC) (see [RS 01701.050](#) for acceptable dates of service), Women Accepted for Voluntary Emergency Service (WAVES);
- National or Air National Guard active duty and active duty for training. Such service is treated the same as reserve active duty in one of the regular services (Army, Navy, etc.). However, if a guard unit is brought under Federal control, such service is considered to be regular active service.

## **D. List of Services Not Recognized for Wage Credit Purposes**

Services **not** recognized for wage credit purposes are:

- Coast Guard auxiliary;
- Coast Guard Reserve (temporary), unless the service was full-time duty with military pay and allowances;
- Women's Air Force Service Pilots (WASP) (see [RS01701.020E.](#));
- U.S. Merchant Marine (see [RS 01701.020E.](#));
- Army and Navy Transport Service (see [RS 01701.020E.](#));
- Civil Air Patrol;
- Civilian Auxiliary to Military Police.

## **E. Policy - Service Under P.L. 95-202**

Service established by the Department of Defense (DOD) under P.L. 95-202 is **not** active military or naval service for SS wage credits. The DOD determination is for laws

administered by the VA, and will be for service in the U.S. Merchant Marine, the Army and Navy Transport Service, or the Women's Air Force Service Pilots, in [RS 01701.020D](#). The discharge record (usually, a Form DD-214) will show "P.L. 95-202" in the authority for separation or the remarks block. Advise any claimant that P.L. 95-202 is for VA purposes only, and to contact the VA for more information.

## F. Policy - MS for Certain Allied Countries

Wage credits may be granted for MS with a foreign country that was at war on 9/16/40 (see [RS 01701.020G](#).) with a country the U.S. was at war with during the WW II period, if the service member:

- Entered the active military or naval service of the foreign country on or before December 8, 1941; and
- Was a U.S. citizen throughout the period of service (if U.S. citizenship was lost, it was solely because of entrance into such active MS); and
- Had resided in the U.S. for a period (or periods) totaling at least 4 years out of the 5-year period ending on the day of entrance into this active service; and
- Was domiciled in the U.S. on the day of entrance into the service; and
- Met one of the following conditions:
  - was discharged or released from this active service under conditions other than dishonorable after serving for at least 90 days; or
  - was discharged or released because of a disability or injury incurred or aggravated in the line of duty; or
  - died while in service.

## G. List of Allied Countries at War on 9/16/40

The allied countries which were at war on 9/16/40 are:

Australia	Luxembourg
Belgium	Netherlands
Canada	New Zealand
Czechoslovakia	Norway
Denmark	Poland
France	Union of South Africa
India	United Kingdom

## H. Policy - MS as Philippine Scout or Resident Filipino

Service in the Philippine Scouts or service of resident Filipinos in the U.S. Navy is usually active service if performed under the direct supervision of recognized military authority.

Resident Filipinos are those who resided in the Philippines during or before WW II, and who were in active U.S. Navy service during WW II. (See [RS 01702.510](#) for a further discussion.)

## I. Policy - Attendance at U.S. Military Academy - Pre-1957 Wage Credit

Noncontributory wage credits of \$160 a month may be granted for attendance at a U. S. military academy during the WW II and post-WW II periods. The DD-214 may contain a remark regarding academy attendance; however, it is not sufficient documentation for use as evidence for granting noncontributory wage credits.

An alleged period of attendance at a U. S. military academy must be proven by documentation that confirms a continuous period of attendance and is issued by the academy. This includes, but is not limited to evidence such as a school transcript, academic records from the academy which indicates a beginning and ending date of attendance and verification of attendance on academy letterhead. The Register of Graduates which is an official document of the academy can be used as evidence of attendance provided that it agrees with the claimant's allegation, reflects a continuous period of attendance and specifically states a beginning and ending date.

If sufficient proof of attendance is not readily available, documentation may be requested from the military academy using the following addresses. The request to the academy should include the name, SSN, and alleged dates of academy attendance. The response time for a request varies from one to six days.

ACADEMY	ADDRESS	TELEPHONE NUMBER
Naval Academy	<i>Office of the Registrar United States Naval Academy 589 McNair Road Annapolis. MD 21402-5031</i>	410-293-6383
West Point	<i>O/Dean ORD (MADN-ORD) ATTN: Graduate Records United States Military Academy Official Mail &amp; Distribution Center 646 Swift Road West Point, NY 10996-1905</i>	845-938-3708

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ACADEMY	ADDRESS	TELEPHONE NUMBER
Coast Guard	<i>Office of the Registrar United States Coast Guard Academy 27 Mohegan Avenue New London, CT 06320-8103</i>	860-444-8214
Air Force	<i>Office of the Registrar HQUSAF/DFRR 2354 Fairchild Hall Room 2-G-13 USAF Academy, CO 80840-6210</i>	719-333-3970

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**OBSOLETE POLICY**

**Effective Dates:  
09/27/2005 - 01/23/2015**

TN 10 (09-05)

## **RS 01701.030 How Pre-1957 Wage Credits Are Used**

### **A. Policy**

#### **1. Basic Rule**

Noncontributory wage credits of \$160 are given to a veteran for each month of active military or naval service with the U.S. Armed Forces during the WW II and/or the post-WW II periods.

Noncontributory wage credits are also given for months while in attendance at a U. S. military academy during the WW II and post-WW II periods.

## 2. Definition

“Active service” is defined as periods of time before 1957 that an individual was on full-time duty in the active military or naval service. The active service **must** have consisted of at least 90 days, with the exception in [RS 01701.055C](#).

## 3. Significance of WW II and Post-WW II Periods

- a. For certain purposes, the WW II and post-WW II periods are separate and distinct, even though they are consecutive. For example:
  - o service for allied countries (see [RS 01701.020F](#).) is creditable only during the WW II period; and
  - o the bar to granting wage credits because of other Federal benefits (see [RS 01701.080](#)) may apply to one period, but not necessarily to the other (see [RS 01701.085](#)).
- b. Unless a distinction is specified, however, assume that an instruction, provision, or restriction applies equally to both.

## 4. Application of Wage Credits

Wage credits of \$160 per month, if material, are added to the calendar quarter in which the MS occurred, and are treated as regular covered wages for insured status purposes, and for all benefit computation purposes.

The \$160 is not actually posted on the veteran's record. When a claim is filed, the wage credits are considered. They may be added even though covered earnings are already posted for a quarter.

Regardless of another Federal agency's use of MS in either period, SSA may use the same MS to establish eligibility for a disability freeze, but not for benefit computation purposes. (See [RS 00301.130](#).)

Do **not** consider pre-1957 wage credits as wages when imposing work deductions.

Do not develop pre-1957 MS if the wage earner will **not** be insured after including pre-1957 wage credits or if the PIA will not be increased.

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TN 8 (09-93)

## **RS 01701.040 When Pre-1957 Wage Credits Are Creditable**

### **POLICY**

#### **1. WW II Period**

- a. Effective 9/50, WW II wage credits are creditable for:
  - o life monthly benefits;
  - o disability freeze purposes;
  - o survivor monthly benefits (even if the veteran died before 9/50).

**NOTE:** For the LSDP, the veteran must have died after 8/50.
- b. Allied country MS in the WW II period is creditable the same as in a. above, but the first monthly benefit or the earliest month of death for LSDP purposes is 8/58, not 9/50.
- c. WW II wage credits for service with the PHS or the CGS may, under certain conditions, be first creditable for months other than 9/50, or 8/ 58. Send the case to OISP, Division of Entitlement, for a determination.

#### **2. Post-WW II Period**

- a. Effective 9/52, post-WW II wage credits are creditable for:
  - o life monthly benefits;
  - o disability freeze purposes;
  - o survivor monthly benefits (even if the veteran died before 9/52).



- NOTE:** For the LSDP, the veteran must have died in or after 9/ 52. Remember, no credits may be given for allied country MS in the Post-WW II period.
- b. Post-WW II wage credits for service with the PHS or the CGS may, under certain conditions, be first creditable for months other than 9/52. Send the case to OISP, Division of Entitlement, for a determination.
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**OBSOLETE POLICY**

**Effective Dates:  
10/22/2002 - 01/23/2015**

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TN 8 (09-93)

## **RS 01701.045 Pre-1957 Wage Credits - Limits on Use**

### **POLICY**

Pre-1957 wage credits, which otherwise would be granted (i.e., dates, duration, and character of service requirements are met), cannot be granted under certain conditions.

#### **1. Annual Maximum Wage Limitation**

Credits cannot be added to existing covered or other creditable earnings so as to exceed the annual SS maximum for a given year (i.e., \$3,000 for 1940-1950; \$3,600 for 1951-1954; and \$4,200 for 1955-1956).

**NOTE:** 1940 maximum creditable for MS is \$640 because only September through December are creditable.

## **2. Benefit or Payment Is Higher Without Wage Credits**

Credits cannot be granted if a LSDP would be payable or if a larger monthly benefit would be payable without their inclusion.

## **3. Conviction for Certain Federal Offenses**

- a. Credits cannot be granted for purposes of paying RSDI benefits if the veteran has been convicted of certain Federal offenses, such as:
  - o espionage;
  - o sabotage;
  - o treason;
  - o sedition;
  - o subversive activities;
  - o interfering with the Armed Forces;
  - o improper use of defense information;
  - o disclosure of classified information.
- b. Do not develop cases involving one of the above or some other national security offense. Refer these cases to the RO, ARC, Programs.

## **4. Other Judicial Restrictions**

Wage credits are denied if the veteran:

- a. Refuses to appear, testify, or produce any paper about Government employment before a Federal grand jury, Federal court, court-martial, or congressional committee, in proceedings about his/her relationship with a foreign government on matters of national security;
- b. Commits perjury in falsely denying commission of certain offenses referred to above, or in falsely testifying before those governmental bodies on matters involving national security;
- c. Willfully makes a false statement or conceals material facts in connection with Federal employment (or on an application for Federal employment), about:
  - o connections with the Communist party or similar group;
  - o conviction for an offense referred to in 4.a. and 4.b., above;
  - o refusal to testify; or
- d. Willfully remains outside the U.S. for more than one year to avoid prosecution for one of the described offenses (i.e., is a fugitive).

**NOTE:** In the "refuses to testify," "perjury," "false statement or conceals material fact," and "fugitive" categories, conviction is not required. Under certain circumstances, these restrictions do not apply where:

- o benefits were awarded, or
- o conviction occurred, or
- o the offense was committed before 9/1/54.

Decision is reserved as to whether pre-1957 wage credits may be granted to establish eligibility for a disability freeze, or for certification to RRB, even though they are denied for RSI benefit payment purposes.

Decision is reserved, also, as to whether wage credits will be granted for RSI benefit payment purposes, even though the credits are included in RRB certification of compensation.

If a case involves one of the above situations, do not develop further. Refer the case to the appropriate RO, ARC, Programs.

## 5. RRB Involvement

As a Federal agency, RRB's credits for pre-1957 MS preclude SS granting wage credits. (See [RS 01601.000](#) ff.)

## 6. Federal Benefit Determination Limit

Crediting of pre-1957 MS for either eligibility or benefit amount purposes by another Federal agency precludes, with certain exceptions, SS wage credits for the same period(s). (See [RS 01701.080](#) and [RS 01701.085](#) in cases where the veteran retired after 1956.)

**EXAMPLE:** A veteran has over 20 years of active duty MS ending in 1955, and retires from the Army that year. The Army credits all of the MS because it is needed to meet the eligibility requirement for retirement. SS may not grant wage credits for any of this active service.

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**Effective Dates:  
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# RS 01701.048 Lost Time Pre-1957 Wage Credits

## A. POLICY

Wage credits may be granted for months the individual lost time from duty because of misconduct or any other unauthorized absence provided it did not result in separation from active service under dishonorable conditions.

### EXCEPTIONS:

- No wage credits may be granted where the unauthorized absence(s) extended over the entire period of active service (WW II or post-WW II) and the absence terminated the MS.
- If the individual had been placed officially in deserter status, he/she is not considered in active service during the period of desertion and may not be granted wage credits for those months.

## B. REFERENCE

See [RS 01701.060](#) for types of discharge or release.

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**OBSOLETE POLICY**

**Effective Dates:  
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# **RS 01701.050 Active Service for Wage Credits - 9/16/40-12/31/56**

## **POLICY**

### **1. WAAC (Women's Army Auxiliary Corps)**

Members of the WAAC may receive wage credits for active service from 5/14/42 through 9/29/43, if active service was performed in the Armed Forces (e.g., as a WAC) after 9/29/43, and if separation was under conditions other than dishonorable.

WAAC service is creditable for monthly benefits beginning August 1959, and for the LSDP where death occurred on or after 8/7/59.

WAAC discharge and separation records may show "enrolled" to mean enlisted. Generally, this is not the entry-on-duty date. If the nature of the separation is not shown, assume it is not dishonorable. The enrolled record, if available, should indicate years, months, and days of service, and the ending date.

### **2. WAC (Women's Army Corps)**

The WAC replaced the WAAC effective 9/30/43. Effective that date, WAC service is MS for wage credit purposes.

### **3. WAVES (Women Accepted for Volunteer Emergency Service)**

The WAVES were established 7/30/42, and members may receive wage credits beginning that date.

Discharge documents and service records will show Navy reserve service, because there were no women in the regular Navy.

### **4. PHS (Public Health Service)**

Commissioned officers of the PHS may be granted MS wage credits for time spent on active commissioned service:

- 7/29/45 through 12/31/56, regardless of where service was performed; or
- 9/16/40 through 7/28/45, and 7/4/52 through 12/31/56 provided the service was rendered on detail to a component of one of the uniformed services.

**NOTE:** Creditable service under the above may be used for monthly benefit or LSDP purposes in the same manner as other wages.

- 7/4/52 through 12/31/56, regardless of whether the officer was on detail to a component of the uniformed services. This is "deemed" to be active service as a member of the uniformed services. (See 6. below.)

## 5. CGS (Cost and Geodetic Survey)

Commissioned officers of the CGS may be granted MS wage credits for time spent:

- a. on active commissioned service after 9/15/40, if:
  - o actually transferred to active duty in a MS department; or
  - o assigned to military projects in areas determined by the Secretary of Defense to be areas of immediate military hazard.

**NOTE:** Creditable service for CGS may be used for monthly benefits or LSDP purposes in the same manner as other wages.

- b. in service in the Philippines on 12/7/41; or
- c. after 7/28/45 and before 1957, regardless of whether conditions above exist. This is "deemed" to be active service as a member of the uniformed services (see 6. below.).

## 6. Deemed Active Service

Service as a commissioned officer of the PHS or CGS is deemed to be active service as a member of the uniformed services under the provisions of the Servicemen's Act. It is effective for LSDP purposes only when death occurred after 1956, or for monthly benefit purposes (life claim or death claim) beginning 1/57.

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**OBSOLETE POLICY**

**Effective Dates:  
07/01/1996 - 01/23/2015**

# RS 01701.055 Pre-1957 Wage Credits — Length of Service Requirements

## A. POLICY — REGULAR SERVICE

In the regular (i.e., non-reserve) service there must be one or more periods of actual service totaling at least 90 days, except as noted in D., below.

The 90 days need not be consecutive if two or more periods of service consist of a total of at least 90 days wholly within **either** the WW II or the post-WW II period.

When 90 days were not served wholly within either period, wage credits may be granted if the service consisted of at least 90 consecutive days which began:

- before either period started, and ended within that period; or
- within either period, and ended after that period.

## B. EXAMPLES

### 1. 90 Days in One Period, But Not in the Other Period

A veteran had actual service of 40 days in February and March of 1945, 80 days of active service from 5/47 through 7/27/47, and 60 days of active service in November and December of 1949. The 90 day requirement is met for the WW II period (9/16/40 - 7/24/47), but is not met for the post-WW II period (7/25/47 - 12/31/56). Wage credits may be granted only for February and March of 1945, and for May, June, and July of 1947.

### 2. 90 Consecutive Days Overlap Both Periods

A veteran had active service of 120 consecutive days in June through September 1947. There is no 90 day period wholly within either the WW II or the post-WW II period, but the service consisted of at least 90 consecutive days. Therefore, WW II and post-WW II wage credits may be granted for all 4 months (June through September) of the service. Even though the July service covers both periods, only one wage credit of \$160 may be granted for that month.

### 3. Gratuitous Wages and DMWs for the Same Period of Enlistment

A veteran had active service of 90 or more consecutive days which began during December 1956. A post-WW II wage credit of \$160 may be granted for that month. In situations like this, remember that the veteran is entitled also to DMWs that must be

added to the post-1956 military earnings. DMWs were not added automatically to the E/R for years before 1968.

## **C. POLICY - RESERVE SERVICE**

### **1. Service of 90 Days or More**

Periods of active duty for training of 90 days or more in reserve service may be considered active service for wage credit purposes. Unless there is an indication to the contrary (e.g., lack of certification from the Armed Services for the training period), periods of active duty for training of 90 days or more will be considered active service for wage credit purposes.

Members of the reserves and the National Guard have an initial period of active duty for training (usually six months) as part of their enlistment contract. This 6-month period of service is active service within the meaning of Sec. 217(e) of the Act for wage credit purposes. If a service department certifies a 6-month active duty for training period under the Reserve Forces Act (RFA) of 1955, consider the training duty as active service without further development.

### **2. Service of Less Than 90 Days**

Short periods of active duty for training or for other purposes, limited to less than 90 consecutive days, are not active service for wage credit purposes. Service such as annual two-week summer camp, cruises, or other short periods cannot be added together or added to regular activity duty to meet the 90 day requirement.

Members of National Guard and reserve components not on extended active duty also ordinarily perform short periods of drill and training duty each month. Because all of this service is for training purposes and is limited in duration, wage credits cannot be granted.

The definition of active duty for training for \$160 wage credits is not the same as for DMWs for active reserve service performed **after** 12/31 /56. After 1956, no minimum length of service is required; only the receipt of covered military wages is required.

## **D. POLICY — EXCEPTIONS**

The 90 day rule does not apply if the veteran was discharged because of disability incurred or aggravated in the line of duty (i.e., a service-connected disability), or if the veteran died in service.

Investigate the service-connected disability issue if the discharge was for other than dishonorable conditions, and the claimant either knows it was for a disability, or does not know the reason for the discharge.



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**Effective Dates:  
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## **RS 01701.060 Pre-1957 Wage Credits — Types of Discharge or Release**

### **POLICY**

#### **1. General**

Pre-1957 MS may be considered for wage credits if the MS ended “under conditions other than dishonorable.” This policy applies only to discharges for periods of MS before 1957.

#### **2. Discharges That Permit Wage Credits**

“Other than dishonorable” conditions include:

- honorable discharge;
- completion of satisfactory service;
- transfer to inactive service;
- **summary** court-martial and
- general discharge under honorable conditions.

#### **3. Discharges That Bar Wage Credits**

The following are considered to have been issued under dishonorable conditions:

- a. a dishonorable discharge;

- b. a discharge or release for desertion, AWOL, or fraudulent entry;
- c. a resignation by an officer for the good of the service; or a dismissal or dismissed from the service;
- d. a discharge or release because the individual was a conscientious objector; or
- e. a discharge or release for conviction by a civil court for:
  - o treason;
  - o sabotage;
  - o espionage;
  - o murder;
  - o rape;
  - o arson;
  - o robbery;
  - o burglary;
  - o kidnapping;
  - o assault with intent to kill;
  - o assault with a deadly weapon; or
  - o attempting to commit any of these crimes.
- f. a bad conduct discharge issued by general court-martial;
- g. a dishonorable discharge issued by the U.S. Public Health Service or Coast and Geodetic Survey.

If evidence does not clearly show the nature of the separation, additional development is required (See [RS 01702.165](#) for development.)

#### 4. Questionable Discharges

When the evidence does not show clearly that the separation was a type listed in 2. or 3., above, additional development may be required. For example:

- a bad conduct discharge as a result of a **special** court-martial;
- the evidence of separation does not indicate a reason for the discharge, or the reason is not covered in 2. or 3., above;
- a character of separation may be shown as an “undesirable discharge,” or under “conditions other than honorable,” or for “reasons of bad traits,” or “physical unfitness.” These are not considered to be under dishonorable conditions **unless** they involve one of the reasons in 3., above. If none of the reasons in 3., above, applies, assume that the discharge was under “conditions other than dishonorable” and credit the military service.

#### 5. Veteran Has More Than One Discharge or Release

A veteran may have more than one discharge involving separate periods of active service. The period of active service to which a discharge under dishonorable conditions applies cannot be used for MS wage credit purposes.

If the veteran was released from another period of active service under conditions other than dishonorable, MS wage credits may be granted for that period.

The sequence of the discharges is immaterial. If an enlisted person received a "conditional discharge" to accept a commission, with no break in service, the service is considered as performed in one period.

## 6. References

- For discharge guidelines, see [RS 01404.230](#).
- For appropriate "Remarks" in questionable discharge cases, see [RS 01702.165](#).

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# **RS 01701.070 Pre-1957 Wage Credits — Correction of Military Service Records**

## **A. BACKGROUND**

10 U.S.C. 1552 is the statutory authority for service departments to correct military retirement records to "correct an error" or to "remove an injustice." A corrected military retirement record replaces the original as of the effective date of the correction.

The service department will show that the correction was made pursuant to 10 U.S.C. 1552, and whether the correction replaces all prior records as of the retirement date.

## B. POLICY

If a prior award or disallowance was based on an original record and we later receive a corrected record changed as of the date of retirement because of an error or an injustice, we consider the original record to be an erroneous certification. Reopen the award or disallowance at any time under [GN 04020.060](#), except in the following special situation:

When an SSA administrative determination was made before March 17, 1960, on a military record corrected "to remove an injustice," the change-of-position rules in [GN 04001.100](#) apply. Before March 17, 1960, a correction "to remove an injustice" was considered effective only from the date when the correction was entered. Both the corrected record and the original retirement record were considered in deciding whether a benefit was ever based on the MS question. As of March 17, 1960, SSA's position is that a correction "to remove an injustice" replaces the original retirement record effective with the date of retirement.

**NOTE:** Submit to RO, ARC, Programs, MS cases where records were corrected under authority other than 10 U.S.C. 1552.

## C. PROCEDURE

If the correction is effective as of the retirement date, consider only the corrected record in determining whether wage credits may be granted.

If the correction is not effective as of the retirement date, look to both the original and the corrected records in deciding whether a determination was made based on the MS in question.

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This section is no longer current. It appears here for historical purposes only.

**OBSOLETE POLICY**

**Effective Dates:  
10/22/2002 - 01/23/2015**

# RS 01701.080 Bars to SSA Wage Credits

## POLICY

### 1. Federal Agency Benefit

If a Federal agency (other than the Department of Veterans Affairs (VA)) determines that a periodic benefit (or a lump sum in lieu of a periodic benefit) is, or was, payable based in whole or in part on WW II or post-WW II MS, SSA may not grant wage credits for the same period(s) of MS.

The crediting of WW II or post-WW II period MS for either eligibility or benefit amount purposes by another Federal agency precludes (with certain exceptions) SS wage credits for the same period(s). Even if only part of the MS is determined to be creditable by the other agency, SSA may not grant credit for any other service in the same period. (See [RS 01701.085](#) for exceptions.)

The mere fact that a benefit determination was made by another Federal agency (other than VA) precludes SSA use of the pre-1957 MS.

It does not matter if a benefit was never paid or that the SS claimant (e.g., a survivor) is not the person to whom a previous Federal MS-based benefit was payable.

If a veteran had MS in both the WW II and the post-WW II periods, but service in only one period is used by another Federal agency, SSA may grant credit for service in the other period. However, if only **part** of a period of service is used by another Federal agency, SSA may not grant credit for other service in that same period. This is true even though the current claimant's periodic benefit may not be based directly on the crediting of such MS.

### 2. Federal Agency Determination

The following occurrences do not alter the fact that a Federal agency (other than VA) made a benefit determination:

- withdrawal of the other agency's claim, after that agency has made a benefit determination, whether or not benefits were paid; or
- non-payment of benefits because of work, offset, waiver to permit receipt of another type of benefit (except Civil Service survivor benefits), or some other complexity; or
- suspension or termination of benefits (due to death, remarriage, etc.).

If another Federal agency corrects a prior determination where pre-1957 MS was credited in error, and MS is not credited under the new determination, the bar to SS

wage credits is removed. SSA may reopen its prior determination denying pre-1957 wage credits, and grant the wage credits for either insured status or PIA purposes, both retroactively and prospectively. (See [GN 04020.060](#) for further discussion.)

### 3. Lump-Sum Payments From Other Federal Agency

A lump-sum payment in lieu of a periodic benefit precludes SSA use of pre-1957 MS for wage credits. However, a lump-sum payment which is not in lieu of a periodic payment does not preclude SSA use of the same pre-1957 MS used by the other Federal agency.

Contact the other Federal agency (usually, OPM or the MS department) to determine the exact type of lump-sum payment. (See [RS 01702.000](#) ff. for other agency benefit systems and development procedures.)

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**OBSOLETE POLICY**

**Effective Dates:  
07/12/2007 - 01/23/2015**

TN 8 (09-93)

## **RS 01701.085 Exceptions to Federal Agency Benefit Determination Bar to Pre-1957 Wage Credits**

### **Policy**

#### **1. Military Retiree With Active MS After 1956**

Even if another Federal Agency is using the same period(s) of pre-1957 MS for periodic benefit purposes, SSA may grant wage credits for the period 1951 through 1956 to pay monthly benefits after 1956 (or for the LSDP for a death after 1956) if:

- a. the other Federal agency is the Army, Navy, Air Force, Marine Corps, Coast Guard, Public Health Service, or Coast and Geodetic Survey; and
- b. the veteran had active MS after 1956 (See [RS 01901.480](#)).

## **2. PIA \$.50 Tolerance**

SSA may fully credit the pre-1957 MS if the PIA is not increased more than \$.50 regardless of another Federal agency's use of the same service. When proven and creditable MS yields such a PIA increase, no development to the other agency is required.

## **3. Disability Freeze**

SSA may fully credit the pre-1957 MS to establish eligibility for a disability freeze, regardless of another Federal agency's use of the same service.

**NOTE :** The wage credits which yield the freeze credits may not be used for benefit purposes, unless verified with the other agency.

No development to the other agency is required to credit the MS for freeze purposes.

## **4. VA Benefits**

SSA may fully credit the pre-1957 MS if the only other periodic benefit is a VA payment. The VA, although a Federal agency, is excluded from the definition for purposes of this provision.

## **5. Civil Service Survivor Annuity**

A survivor annuity payable by OPM, which includes the MS of the deceased, may, under certain conditions, be waived by the survivors.

This irrevocable waiver applies to the entire OPM survivor annuity (i.e., to the parts based on both civilian Federal service and the MS), and permits SSA to grant WW II and post-WW II wage credits. The waiver may be executed when the survivor annuity is first payable, or at some later time. MS wage credits may be granted by SSA effective with the month the OPM survivor annuity ends.

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This section is no longer current. It appears here for historical purposes only.

**OBSOLETE POLICY**

**Effective Dates:  
07/01/1996 - 01/23/2015**

TN 8 (09-93)

## **RS 01701.090 Overpayments Under Section 217 (Pre-1957 Wages)**

### **POLICY**

#### **1. General**

SS benefits based on pre-1957 MS may become overpayments when an individual meets the eligibility requirements for periodic benefits from another Federal agency. The veteran must be given a full explanation of the following.

Beginning with the month the individual meets all entitlement requirements to the other Federal benefit, except filing an application, any SS payments based on pre-1957 MS wage credits are erroneous for that month and for all subsequent months if a determination is made by the agency, when an application is filed, that a periodic benefit is payable based in whole or in part on the same MS.

#### **2. Civil Service or Railroad Involved**

A veteran who is working currently in a job covered under the Civil Service Retirement Act (CSRA), or a railroad (RR) worker who still is working (RR or non-RR work), cannot be eligible until separated from such employment. Separation is one element of entitlement to a Civil Service or RR annuity.

Such individual is not presently eligible to another Federal benefit, and any benefits paid by SSA cannot become overpayments until the month in which all other requirements for entitlement to the other Federal benefit (except filing an application) have been met.



This section is no longer current. It appears here for historical purposes only.

**OBSOLETE POLICY**

**Effective Dates:  
06/09/1995 - 01/23/2015**

TN 8 (09-93)

## **RS 01701.110 Other Agency Benefits Payable for Active Service**

### **A. POLICY — DEEMED INSURED STATUS**

A veteran is deemed to have died fully insured if the MS was in the WW II period (9/16/40 through 7/24/47), and death occurred before 7/27/ 54.

Deemed insured status benefits are precluded if a VA pension or compensation benefit was ever paid (even if terminated) based on the veteran's death.

**REFERENCE:** If insured status cannot be established for the deceased veteran under the rules for granting \$160 per month wage credits, or if the AMW - including the MS wage credits - is less than \$160, refer to [RS 01702.610](#) - [RS 01702.646](#) for a complete discussion of requirements and procedures.

### **B. POLICY - SPECIAL VA PAYMENT IN NON-INSURED CASES**

Section 412 of 38 U.S.C. provides a special VA payment to survivors of veterans who died uninsured after 1956:

- on active duty; or
- on active duty for training; or
- on inactive duty for training; or
- as a result of a service-connected disability incurred after 9/15/ 40.

See [RS 01702.540](#) - [RS 01702.584](#) for development instructions.