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# THE ADMINISTRATION OF FAMILY ALLOWANCES FOR MEN IN MILITARY SERVICE

FIRST LT. HARRY GROSSMAN†

The effectiveness of war operations depends in large part upon civilian and military morale. A vital factor in upholding this morale is some reasonable maintenance of families of men engaged in military service. The man in the armed forces must be free from anxiety about how his family is making ends meet, in view of the fact that his own support has been withdrawn. The pay of men in the armed forces, even though increased substantially,<sup>1</sup> has in the majority of cases been insufficient for the support of families if there are no resources other than the man's service pay. Since civilian wages generally stop as soon as a man enters upon military duty, there has to be some minimum substitute means of family support if we are to avoid undue hardships imposed upon dependents of men entering military service.

The American people have always recognized the need for protecting the families of their fighting men in time of war.<sup>2</sup> When the United States entered the present war it was foreseen that the magnitude of the conflict would soon compel the necessity of drawing upon many men with dependents. The Congress of the United States began soon after Pearl Harbor to make plans for wartime security at home. Hearings were held to consider a bill to provide family allowances for the dependents of enlisted men of the Army, Navy, Marine Corps, and Coast Guard of the United States.<sup>3</sup> Experts were consulted in the War Department, Navy Department, Selective Service System, Federal Security Agency, Veteran's Administration, and Bureau of the Budget. Studies were made of the legislative provisions in foreign countries dealing with the dependents of mobilized men. Out of all this came the Servicemen's Dependents Allowance Act of 1942, said to be the greatest wartime family security measure in American history.<sup>4</sup> It was signed by the President on June 23, 1942, with payments to be started not prior to November 1, 1942.<sup>5</sup> A later amendment advanced the initial payment date

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†Information and Public Relations Branch, War Dept. Office of Dependency Benefits. 156 STAT. 359, 37 U. S. C. § 101 *et seq.* (Supp. 1942).

<sup>2</sup>For survey of the allowance systems in other countries in 1940, see Sakmann, *Foreign Provisions for the Dependents of Mobilized Men* (1941) 4 SOC. SEC. BULL. (April number).

<sup>3</sup>See *Hearings before Senate Committee on Military Affairs on Family Allowances*, 77th Cong., 2d Sess. (April 29, 1942); and *Hearings before House Committee on Military Affairs on Allowances and Allotments for Dependents of Military Personnel*, 77th Cong., 2d Sess. (May 12-15, 1942).

<sup>4</sup>See SEN. REP. No. 1431 and H. R. REP. No. 2235, 77th Cong., 2d Sess. (1942). 556 STAT. 381, 37 U. S. C. § 201 (Supp. 1942).

to September 1, 1942.<sup>6</sup> The Act provided allowances without a means test to the persons who will normally be dependent on large numbers of our men in service. Under it a flat, fixed schedule of amounts was paid promptly and there was no discrimination between the dependents of one soldier and the dependents of another soldier.

*Recent Amendments to Dependents Allowance Act*

Less than a year after the original Act was passed there were many who became satisfied that present-day living costs offered justification for increases to certain categories of dependents. The endeavors to correct inadequacies in the financial provisions of the existing system began to take shape with the introduction into both houses of Congress of many bills proposing amendments to the law. Before recessing for the summer of 1943, the United States Senate passed a bill which sought to broaden the eligibility conditions and increase many of the specific allowances. When Congress reconvened in the fall a great deal more attention was given to the various proposals to liberalize the family allowance payments. Amendments to the basic Act became law on October 26, 1943.<sup>7</sup> The principal changes which the amendments effectuated are as follows:

(a) Increased greatly the family allowance for children.

(b) Increased family allowances for parents, brothers, and sisters who are dependent upon the enlisted man for chief support.

(c) Granted an initial family allowance for the month of entry into service in a pay status to wives, children, and parents, brothers, and sisters, who are dependent upon the enlisted man for their chief support, without any deduction from the pay of the enlisted man for such initial allowance.

(d) Included female enlisted personnel of all grades and aviation cadets within the provisions of the Act.

(e) Made dependents of enlisted personnel of the upper three grades eligible for family allowances and suspended monetary allowances in lieu of

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<sup>6</sup>56 STAT. 747, 37 U. S. C. § 207 (Supp. 1942).

<sup>7</sup>Pub. L. No. 174, 78th Cong., 1st Sess. S. 1279 was introduced June 28, 1943. Hearings were held on the same day. The bill was reported on July 2 with amendments, and passed the Senate July 8. See SEN. REP. NO. 383, 78th Cong., 1st Sess. (1943). See also *Hearings before Senate Committee on Military Affairs on Servicemen's Dependents Allowance Act Amendments*, 78th Cong., 1st Sess. (1943).

The same bill with amendments was reported in the House on October 7. H. R. REP. NO. 734, 78th Cong., 1st Sess. (1943); see also *Hearings before House Committee on Military Affairs on Allowances and Allotments for Dependents of Military Personnel*, 78th Cong., 1st Sess. (Sept. 29-Oct. 5, 1943).

The bill was considered and passed by the House by a unanimous vote of 389-0 on October 18, and the Senate concurred with the House amendments on October 19.

The bill was signed by the President on October 26.

quarters for dependents, as authorized by Section 10 of the Pay Readjustment Act of 1942, for the period during which such family allowances are paid.

(f) Defined the eligible dependents of female enlisted personnel.

(g) Removed limitations as to amounts payable to children where living separate and apart from the enlisted man under a court order, written agreement, or divorce decree.

(h) Provided for prompt and equitable payment by the secretary of the department concerned of amounts due on death of a dependent.

(i) Clarified penal and administrative provisions.

### *Background of Dependency Benefits*

The fact is little known that the present system, as administered for the Army by the Office of Dependency Benefits, has its roots far back in American life. Back in 1861, immediately after the outbreak of the War Between the States, when Fort Sumter fell on April 13, a citizen of Newark was the first man in the country to devise and organize a system for collecting and forwarding the pay of soldiers in the field to their families at home. This man, Marcus L. Ward, was the one-man ODB of his time, disbursing over two million dollars to dependents of soldiers in homes in New Jersey, New York, and New England. He used his own funds to employ eight clerks, and was given the use of an entire floor in the Newark Customs House to carry out his system, which employed the co-operation of the chaplains and officers of the regiments. A portion of the soldier's pay was collected at the camps and deposited in a Newark bank for the credit of those designated by the soldiers. The Newark Public Library has in its possession many old checks for family benefits, signed by Marcus L. Ward as paymaster for the New Jersey troops, the position to which he was appointed by his friend, Abraham Lincoln. No contribution by the Government was involved since Congress was not in session when the fall of Fort Sumter touched off the spark of the Civil War.

Thereafter, some of the states made provision for payments of varying sums to the dependents of men in military service. In some instances, where the state did not add to the soldier's contribution, the town or city in which he lived did so. On December 24, 1861, the 37th Congress passed an Act<sup>8</sup> providing for the establishment of state commissions to handle allotments of pay made by the volunteer forces. In 1898, during the Spanish-American War, a large number of American troops were sent outside the continental

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<sup>8</sup>12 STAT. 331 (1861).

limits of the United States. It then became necessary for the Government to enact some suitable legislation under which the families left behind would be provided for. It was decided to have the War Department act as a financial agent for men during their absence on distant duty. Accordingly, on March 2, 1899, the 55th Congress passed the basic law under which allotments of pay are administered today. Again, no Government contribution was contemplated. As originally passed,<sup>9</sup> the law read:

"That the Secretary of War be, and he is hereby authorized to permit enlisted men of the United States Army to make allotments of their pay, under such regulations as he may prescribe, for the support of their families or relatives, for their own savings, or for other purposes, during such time as they may be absent on distant duty, or under other circumstances warranting such action."

This allotment system with a number of amendments has continued to be a permanent Army service. It was not until October 6, 1917, during World War I, that the 65th Congress established the first nationwide Family Allowance system.<sup>10</sup> It was administered by the Bureau of War Risk Insurance in the Treasury Department and although not as comprehensive as is the present-day system, it provided a basis for the Act which is now in operation.

#### *Provisions of the Act*

The Servicemen's Dependents Allowance Act of 1942 as amended provides for the payment of family allowances by the Government to the dependents of all enlisted men in the Army, Navy, Marine Corps, and Coast Guard. Under the original law family allowances were payable only to the dependents of enlisted men in the fourth, fifth, sixth and seventh pay grades. In the Army, these four grades are: private, private first class, technician fifth grade, corporal, technician fourth grade, and sergeant. Enlisted men of the first three grades who have dependents have been entitled under another law to receive Government quarters or a rental allowance in lieu thereof. Such an enlisted man with a wife receives a monetary allowance of \$37.50 per month; the Government contribution to the family allowance is \$28 per month. For this reason the amendments also provide that the enlisted man may elect once, but only once, as to which benefits he prefers. This right of election, however, exists only in favor of those enlisted men in the first three pay grades who are receiving a monetary allowance in lieu of quarters

<sup>9</sup>30 STAT. 981 (1899), *amended*, 40 STAT. 385 (1917), *as amended*, 52 STAT. 354 (1938),  
<sup>10</sup>U. S. C. § 894 (1940).

<sup>1040</sup>STAT. 401 (1917).

for dependents, or who are entitled thereto and have filed application therefor at the date of approval of the amendments. It does not exist with regard to men promoted after approval of the amendments. In the case of an enlisted man whose dependents are receiving family allowances and occupying public quarters, a deduction from or charge to his pay will be made at the rate of 90 cents per day.

The family allowances under the amended law are payable for any period during which an eligible enlisted man is in the active military service of the United States on or after November 1, 1943, during the existence of any war declared by Congress and the six months immediately following the termination of any such war. The monthly family allowance payable to the dependent or dependents of an enlisted man consists of the Government's contribution to such allowance and the reduction in or charge to the pay of such enlisted man. One exception to this, provided for by the amendments, is the initial family allowance payment for the month in which the man enters into active service, in a pay status, the full amount of which is to be borne by the Government. The amount of the family allowance payable to the dependent or dependents of an enlisted man will depend upon the number of such dependents, their relationship to the enlisted man, and the extent of their dependency upon the enlisted man.

For the purposes of the amended Act, dependents are divided into three classes: Class A, Class B, and a new Class B-1. Class A relatives include wives, children, and former wives divorced who have not remarried and to whom alimony has been decreed and is still payable. Class B and Class B-1 dependents include parents, brothers, and sisters. Class B dependents must be dependent upon the soldier for a substantial portion of their support in order to be eligible. The new Class B-1 dependents are those dependent upon the enlisted man for their "chief support" (construed to mean over 50 per cent of the dependent's income) and not merely for a "substantial portion" of their support. "Substantial portion of his support" covers cases in which this criterion of chief support is not reached and yet the degree is "substantial." The family allowances payable to Class B or Class B-1 dependents are payable only upon the application of the enlisted man or upon the application of the dependents with the consent of the enlisted man. Family allowances payable to Class B or Class B-1 dependents may be terminated at any time by the enlisted man. Class A relatives do not have to be dependent upon the soldier in order to be eligible for a family allowance. That an enlisted man's Class A relatives are gainfully employed, financially independent, members of such military organizations as the

Women's Army Corps, supported and maintained in an institution at public expense, mentally incompetent, or have executed waivers of dependency upon the enlisted man, has no bearing on their eligibility for a family allowance. Any relative or dependent of an enlisted man who does not come within the definition of a relative or dependent as explained above is not eligible for a family allowance, including a wife living separate or apart from an enlisted man under a court order or a written agreement which fixes no amount for her support, a former wife divorced to whom no alimony is payable, a woman whose marriage to an enlisted man has been annulled, stepchildren who are not members of the enlisted man's household, or such other relatives not specifically mentioned, such as great-grandparents, step-grandparents, nephews and nieces.

The total family allowance payable to a wife under the amended law continues at the rate of \$50 per month. The wife will get \$50 irrespective of the existence of other dependents. However, the allowance payable to a wife and one child is increased from \$62 to \$80. An additional \$20 is now contributed by the Government for each additional child instead of the previous amount of \$10. The amount of the family allowance in the case of an enlisted man who has two children but no wife is increased from \$52 to \$62. An additional \$20 is added to the \$62 for each child in excess of two. The maximum amount payable to a former wife divorced remains \$42.

Those dependents who qualify under the category Class B receive \$37 as a total, irrespective of number and irrespective of whether there are Class A dependents. The rates for a Class B-1 dependent are based on the premise that a mother dependent upon a son for chief support should receive the same amount as a wife. Thus one parent in Class B-1 receives \$50 per month. Two parents receive \$68. A parent with a brother or sister receives \$68, with an additional \$11 for each brother and sister. A brother or sister, but no parent, dependent for chief support receives \$42 per month, with an additional \$11 for each additional brother or sister.

The deduction from or charge to the pay of an enlisted man to whose dependent or dependents a family allowance is paid is \$22 if he has Class A or Class B or Class B-1 dependents, and \$27 if he has Class A and Class B or Class B-1 dependents.

Provision is made in the amended law for the division of allowances among dependents for whose benefit they are paid. It is intended that the division between dependents of a different relationship be fixed as provided in the section dealing with the amounts. For example, if the enlisted man has a wife and one child, the wife's allowance is \$50 and the child's is \$30; in the

case of a wife divorced and one child, the wife divorced receives an allowance of \$42 (provided there exists an effective alimony decree giving her \$42 or more per month), and the child \$30; in the case of a parent and one sister, both dependent upon the enlisted man for chief support, the parent's allowance is \$50, and the sister's \$18. However, a general rule of equal division is applicable where separate payments are necessary as between children, parents, and brothers or sisters, each as a distinct class. For example, if the enlisted man has a wife and two children, the wife's allowance is \$50 and that of each of the children is \$25; in the case of a wife divorced and two children, the allowance to the wife divorced is \$42 (subject to above proviso), and that of each of the children is \$25; in the case of two parents, a sister, and a brother, all dependent upon the enlisted man for their chief support, each parent's allowance is \$34, and the allowance of each sister and brother is \$11; in the case of one parent and a brother and sister, all dependent upon the enlisted man for their chief support, the parent's allowance is \$50 and that of the brother and sister is \$14.50 for each.<sup>11</sup>

<sup>11</sup>A comparison of the old and the new rates for family allowances is as follows:

Dependent	Old	New
Wife	\$50	\$50
Wife and 1 child	62	80
Wife and 2 children	72	100
Additional children (each)	10	20
Child but no wife	42	42
Additional children but no wife (each)	10	20
Wife divorced	42	42
Wife divorced and 1 child	62	72
Additional children wife divorced (each)	10	20
1 parent (dependent for chief support):		
Where there is no Class A dependent	37	50
Where there is Class A dependent	20	50
1 parent (dependent for substantial support):		
Where there is no Class A dependent	37	37
Where there is Class A dependent	20	37
2 parents (dependent for chief support):		
Where there is no Class A dependent	47	68
Where there is Class A dependent	30	68
2 parents (dependent for substantial support):		
Where there is no Class A dependent	47	37
Where there is Class A dependent	30	37
1 parent and 1 brother or sister (dependent for chief support):		
Where there is no Class A dependent	42	68
Where there is Class A dependent	25	68
1 parent and 1 brother and sister (dependent for substantial support):		
Where there is no Class A dependent	42	37
Where there is Class A dependent	25	37
Additional brothers or sisters (each):		
Dependent for chief support	5	11
Dependent for substantial support	5	None

Since September 1, 1943, when the Women's Army Corps became an integral part of the Army, the benefits of the Servicemen's Dependents Allowance Act of 1942 were extended to eligible enlisted women. Under the amendments to the Act it became desirable to make the rights of these members of the armed forces as nearly the same as practicable as those provided for male personnel. Some distinctions were necessary in view of the primary obligation of a father to support his child and wife not extending to the mother as to her child and husband. The "chief support" test is therefore applied to the Class A dependents of an enlisted woman. If such a dependent (Class A) is dependent upon the enlisted woman for his or her chief support, the payment of the allowance is mandatory. In such a case, the dependent husband receives the same amount as is provided for a wife. The rights of Class B and Class B-1 dependents of enlisted women are identical with those of enlisted men.

The Act further provides that all determinations of facts made by the Secretary of War for men in the Army are to be final and conclusive, and are not to be subject to review by accounting officers of the Government or the courts. It was recognized that since entitlement to family allowances and the amounts of such allowances are based upon facts which may change rapidly, and since changes in facts cannot in all cases be rapidly communicated to the Office of Dependency Benefits, it would be inevitable that some erroneous payments and overpayments of family allowances would be made. Therefore, the Act relieves disbursing officers from responsibility for erroneous payments and overpayments in all cases except those in which the erroneous payments and overpayments are due to the gross negligence of such officers or an intent on their part to defraud the United States.

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1 brother or sister but no parent (dependent for chief support):		
Where there is no Class A dependent	27	42
Where there is Class A dependent	10	42
1 brother or sister but no parent (dependent for substantial support):		
Where there is no Class A dependent	27	37
Where there is Class A dependent	10	37
Limitation on allowance to a family consisting of parents, brothers or sisters (dependent for chief support):		
Where there is no Class A dependent	72	None
Where there is Class A dependent	55	None
Limitation on allowance to a family consisting of parents, brothers, or sisters (dependent for substantial support):		
Where there is no Class A dependent	72	37
Where there is Class A dependent	55	37

It will be noted that in the case of the former wife divorced the allowance in no case is to exceed the amount of the alimony awarded. This remains the same as under the original law.

The amendments provide that allowances can be claimed for either Class B-1 or Class B dependents but may not be paid to both groups.

Since the purpose of the Act is to provide for the payment to families of enlisted men of sums which are necessary to enable them to meet living expenses, the Act provides that family allowances paid are not assignable, are not subject to the claims of creditors, and are not liable to attachment, levy, or seizure by or under any legal or equitable process whatever. The original Act provided that no part of any family allowance may be paid to or received by any agent or attorney on account of services rendered in connection with an application. Obviously, any amount paid from any other source was not within the prohibition of the statute. The amended law attempts to create an effective sanction in the situation. The beneficiary of the family allowance is not subject to federal income tax thereon, unless such beneficiary is a former wife divorced or a wife legally separated from an enlisted man under a court order or decree, in which event the amount contributed by the enlisted man is to be included in the gross income of the beneficiary.

#### *Organization of the ODB*

Even before the Act had been passed, the Adjutant General of the Army, under whose Department the family allowances were to be administered, had issued orders for the organization of a new division, the Family Allowance Division, later known as the Allowance and Allotment Branch, AGO. At the beginning of June, 1942, when the newly designated Family Allowance Division was still in the planning stage, the clerical staff numbered seven. By September, 1942, the number of employees had increased to 4,000 and they performed their duties in the two story Temporary Building "Y". In October, 1942, the Allowance and Allotment Branch, AGO, was merged by order of the Commanding General of the Services of Supply (now the Army Service Forces) with the Allotment Division of the Office of Chief of Finance (which had been administering allotments-of-pay by all men in military service), and the new agency was called the Office of Dependency Benefits. Its mission is to administer and coordinate all functions in connection with and relating to the principal benefits to dependents of the military personnel of the War Department.

In November, 1942, the Office of Dependency Benefits was moved to and now occupies a new building located at 213 Washington Street, Newark, New Jersey. Thus, in 1943, America's federal organization for administering family allowances to millions in time of war is located in the same spot—Newark, New Jersey—where public recognition of this wartime need was first given concrete form by Marcus L. Ward, citizen of Newark. The administrative functions of the Secretary of War pertaining to family allow-

ances, including the determination of all facts regarding the entitlement of individuals to benefits and the actual payment of benefits, were delegated to the Director of ODB. Direct correspondence between the ODB and all units of the Army was authorized.

The organization of ODB grew as the number of accounts grew. Today, there are employed close to 10,000 civilian employees, all of whom work under the direction of Army officers who are experts in the fields of law, accounting, insurance, and business machine operations. There is received and handled an average of over 60,000 pieces of mail per day and the outgoing mail averages over 70,000 pieces per day, exclusive of checks. At this time there are sent out more than 4,000,000 checks monthly which amount to over \$200,000,000, and about two-thirds of that amount is deducted from the soldiers' pay. The applications which are still being received on the average of 7,000 per day are handled on a production line basis which is revolutionary in one respect. While the ODB production line operates as do the majority of production lines in modern factories—each worker on the line performing a given operation which is part of the job of producing each single unit or product—there is this difference: On most production lines, each worker or employee knows just his own operation. On the ODB production line he is taught the entire operation of producing the product involved—an authorized family allowance.

In a basic training course, each employee learns the principles of the law under which these benefits are authorized; he learns what must be done to administer these benefits. The course stresses the continuity of the "production line," the relationship of its parts, and the value of the finished product in our country's war effort. It becomes apparent to everyone—no matter on which of the eighteen floors he may work—that the forms and documents he handles have a greater significance than is usually attributed to mere paper work. The result is that each employee has a clear picture of the entire process of authorizing and paying these benefits before he begins to work at his own particular job which involves just one step in the accomplishment of the ODB motto—"Get 'Em Paid."

The entire system, an activity of the Army Service Forces, was developed by Brigadier General Harold N. Gilbert, U.S.A., D.S.C., D.S.M., P.H., Director of the Office of Dependency Benefits. He is one of the nation's ablest administrators and organizers, and has had broad experience in many important and difficult assignments in a long career which has carried him to all parts of the world. He foresaw the eventual scope and extent of the organization that would be required to administer so comprehensive a war-

time security measure. As Director of ODB, General Gilbert's achievements have been truly remarkable.

*Legal Problems in Administration of Act*

The short analysis above of the Servicemen's Dependents Allowance Act of 1942 as amended certainly suggests the number of problems of the greatest import which must be determined in its administration. In effect, the ODB has had to act as a national court of domestic relations in the adjudication of 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. Its determinations have involved the laws and interpretations of the laws of all the 48 states, all the territories of the United States, and on many occasions those of almost every country in the world. If there ever was a valid argument for the adoption of a Uniform Marriage and Divorce Law, there is no doubt that the Legal Branch of the ODB has it. Brief mention of some of the problems that have arisen would be of interest.

In the first place is the question of common-law marriage. It has been determined that where an enlisted man has entered into a common-law marriage and it is recognized as such by the state in which it was contracted, then the common-law wife, if otherwise eligible, is entitled to a family allowance. This has necessitated a study of the policies and laws of all the states in order to determine their attitude on this issue.<sup>12</sup> More than that,

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<sup>12</sup>The lineup of states on common-law marriages is as follows:

**Recognized**

Alabama	Mississippi (not recognized between 1892 and April 2, 1906)
Colorado	Montana
District of Columbia	Ohio
Florida	Oklahoma
Georgia	Pennsylvania
Idaho	Rhode Island
Indiana	South Carolina
Iowa	South Dakota
Kansas	Texas
Michigan	

**Not Recognized**

Arizona (recognized before October 1, 1913)	Kentucky
Alaska (see below)	Louisiana
Arkansas	Maine
California (recognized before May 26, 1895)	Maryland
Connecticut	Massachusetts
Delaware	Minnesota (recognized before April 27, 1941)
Hawaii	Missouri (recognized before June 20, 1921)
Illinois (recognized before July 1, 1905)	

it has compelled a review of the position taken in prior years by states which have had a change of view. It also requires constant attention to all current court decisions dealing with the subject. The ODB has also held that where 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 would receive the family allowance.

The currently popular 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. A number of attempts have been made by parties in interest to give a peculiar validity and interpretation to certain divorce decrees when in fact they did not have such. 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 where 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

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Nebraska (recognized before August 3, 1923)	Utah (recognized before March 3, 1888)
Nevada (recognized before March 29, 1943)	Vermont
New Jersey (recognized before December 1, 1939)	Virginia
New Mexico	Washington
North Carolina	West Virginia
Oregon (see below)	Wisconsin (recognized before January 1, 1918)
	Wyoming

*Alaska*—Not recognized at present time but was recognized prior to July 3, 1917; however, marriages solemnized subsequent to April 28, 1933, even though no license or a defective license has been issued, are deemed valid, provided both parties thereafter for a period of one year assume the habit and repute of husband and wife.

*New Hampshire*—Not recognized; however, persons cohabiting and acknowledging each other as husband and wife, and generally reputed to be such, for a period of 3 years, and until the death of one of them, are thereafter deemed to have been legally married.

*New York*—Not recognized at the present time but was recognized before 1902; not recognized from January 1, 1902 to December 31, 1907; recognized from January 1, 1908 to April 29, 1933.

*Oregon*—Where the relationship commenced prior to June 4, 1928, and a child was born of that relationship, claim is treated as a common-law marriage. The General Laws of Oregon (1925) provided that a valid marriage existed where persons not otherwise married, had cohabited as husband and wife in the State for over 1 year, and children were living as a result of that relationship. This was repealed effective June 4, 1929.

*Tennessee*—Not recognized; however, spouse and spouse's legal representatives are estopped to deny the existence of a marriage.

It should be noted that the Canal Zone, the Philippines, and Puerto Rico are in the *Not Recognized* list. It has also been necessary to determine validity of common-law marriages in other countries. Mexico, Bermuda, and Jamaica are in the *Not Recognized* category.

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. Also, the death or divorce of the wife of an enlisted man where 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, no matter how similar it may appear to be, 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 dealing with a particular application on file have been received will a determination be made.

Under the present law, the Office of Dependency Benefits is not vested with authority to consider the moral conduct or character of a beneficiary of family allowance as affecting the eligibility of that beneficiary for family allowance. This fact has been a source of disappointment and annoyance to a number of soldiers. However, wives who are Class A relatives, as stated above, are entitled to a family allowance on the basis of relationship alone. So long as a woman remains the lawful wife of a soldier in an eligible grade, she will receive an allowance whether the soldier acquiesces or not. The only alternative for the enlisted man is to secure a legal dissolution of his marital status. The compulsory allowance feature for Class A relatives has led many servicemen to seek divorces from undeserving wives. However, the exigencies of the service have virtually frozen the marital status of most servicemen, often against their wishes. His 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 fall upon ears that are sympathetic but powerless to do anything about the predicament of the soldier whose pay is either reduced by or charged with the appropriate statutory contribution. Several suggestions have been offered and considered to remedy this situation, but no plan has as yet been discovered which would lend itself to a practical solution and administration of this problem.

The question arose early in the administration of the Act as to 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 will be made only when not prohibited by Treasury Department freezing orders and restrictions. In such cases where payment is presently barred, the family allowance funds may be later claimed by the beneficiaries under established fiscal procedure.

A difficult question which has been successfully solved concerns the forwarding of family allowance checks to the dependents of Chinese-American soldiers serving in the Army of the United States, whose families are in unoccupied China. Ever since the original Act was signed, the ODB has been endeavoring to make payments to such eligible dependents. An arrangement has now been agreed upon by the State Department, the ODB, the Chinese Embassy, and the Bank of China whereby checks are mailed to the Bank of China in New York for transmission to China. Once a cable code is arranged for each account, the dependents of each Chinese-American soldier will receive their family allowance payments every month.

#### *Other Problems in Administration*

As indicated above, the authorization of payments under the Act is subject to requirements of law which must be met as to relationship and/or dependency. Obviously not all applications for the family allowance can be approved for payment. Thousands of them do not meet the requirements of the law. 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 being delayed because of their failure to understand exactly what documentary proof must accompany each application. Every statement involving relationship and dependency which is made in an application for a family allowance must be proved by acceptable documentary evidence. The presentation of documentary evidence is essential to ensure that only those persons who are lawfully eligible will receive family allowances. However, this requirement sometimes causes delay in beginning payment because so much of the documentary proof is inadequate and insufficient. The number of documents which must be processed is staggering and adds materially to the volume of administrative work in the approval of applications. Their correctness in the first instance would be of inestimable help in getting the job done.

Another problem which the Office of Dependency Benefits has been confronted with has been the large number of requests for information made by various types of organizations, employers, and state, county, and city authori-

ties regarding 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 the men in service secure their allowances. In order to carry out their plans they claim they must know the status of the application. Employers have written in for information and want to know how much certain dependents are receiving and when they are receiving payments in order that they may relate them 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 result in much delay in the processing of applications and in the making of payments because the case folders would be held up while the information requested is extracted. Accordingly there has been a uniform and polite answer to all these groups. It has been pointed out that due to the tremendous amount of work involved in administering the Servicemen's Dependents Allowance Act of 1942, the ODB is unable to undertake furnishing information regarding specific cases to anyone but the serviceman himself, his dependents, and relatives.

Finally, the necessity of protecting the Treasury from chiselers of benefits to soldier's dependents led to the organization of a nationwide network of field investigating offices. Already in operation are installations in many cities. The ODB investigators have to date unearthed an undisclosed number of fraud cases, and a number of convictions have been obtained. The ODB itself does not prosecute; its activities are confined to investigation. Civilian cases are turned over to federal agencies for prosecution. When a soldier is a participant in a fraud, the case is usually tried by a military court.

### *Conclusion*

This review of the administration of the Servicemen's Dependents Allowance Act of 1942 indicates the magnitude of the task involved. There is a big job to be done, but all will agree that it is an essential job. From the standpoint of welfare, morale, and our national unity, the payment of allowances is desirable. Although the cost of allowances will undoubtedly be large, it will constitute a relatively small part of the total cost of the war.

the cost could well be considered an integral part of the costs of maintaining the necessary military establishment. One thing can be said without challenge—a family allowance is constructive, not destructive. It is an investment in the future of America.