

# Flag Recognition Benefit for Fallen Federal Civilian Employees

If you are the beneficiary of an eligible employee who died on or after December 20, 2011, of injuries incurred in connection with his or her employment with the Federal Government, and would like to request a flag, please contact the personnel office of the Federal agency where the employee worked.

After coordination with the Department of Defense and the Department of Homeland Security and other interested stakeholders, the U.S. Office of Personnel Management (OPM) is providing the following guidance to assist agencies in administering Public Law 112-73, the Civilian Service Recognition Act. This guidance is to be used in conjunction with regulations found at 5 CFR 550, subpart O, which were published on September 10, 2014 (79 FR 53601).

## Description

The Civilian Service Recognition Act (Public Law 112-73) authorizes an agency to furnish a United States flag on behalf of employees who die of injuries incurred in connection with their employment under specified circumstances. An agency may give a beneficiary a flag to recognize a Federal civilian employee who loses his/her life under certain conditions while serving the public.

## Coverage

Agencies covered.

- Executive agency (i.e., an Executive department, a Government corporation, or an independent establishment as specified in section 105 of title 5, United States Code)
- United States Postal Service
- Postal Regulatory Commission

Employees covered.

- Employee (as defined in section 2105 of title 5, United States Code)
  - Employees under 2105 who meet the eligibility requirements for the flag recognition benefit and were also military veterans may also be eligible for the burial flag benefit provided by the Department of Veterans Affairs (VA)
- Officer or employee of the United States Postal Service
- Officer or employee of the Postal Regulatory Commission

## Eligibility

An authorized agency official may, upon the request of a beneficiary, provide a flag on behalf of an individual who —

- was an employee of the agency; and
- died on or after December 20, 2011, of injuries incurred in connection with such individual's employment with the Federal Government suffered as a result of a criminal act, an act of terrorism, a natural disaster, or other circumstance as determined by the President.

An authorized agency official may not provide a flag on behalf of an individual when the death is the result of —

- Unlawful or negligent action of the employee;
- Willful misconduct of the employee; or
- Activities unrelated to the employee's status as a Federal employee.

### **Beneficiaries**

Upon request, an authorized agency official may furnish a flag to one beneficiary of a deceased eligible employee using the following order of precedence—

- widow or widower (including the surviving spouse of a same-sex marriage);
- if none, to a child (including step, foster, or adopted child), according to age (i.e., oldest to youngest);
- if none, to a parent (including step, foster, or adoptive parent);
- if none, to a sibling (including step, half, or adopted sibling), according to age (i.e., oldest to youngest);
- if none, to any individual related by blood or close family affiliation (e.g., any non-marital domestic partner, whether same-sex or different-sex, irrespective of whether the individual was in a state-sanctioned legal relationship, such as a civil union or domestic partnership, with the deceased employee).

### **Agency Responsibilities**

By law, agencies have the discretion whether to furnish a United States flag to the beneficiary of an eligible employee. Once an agency decides it will participate in the flag recognition benefit, the agency should develop internal policies to assist in determining when a flag will be given. Such policies should address, for example, how the agency will—

- consider and apply the eligibility criteria (both employee and beneficiary)
- specify the situations in which it will definitely furnish a flag (e.g., eligible death that occurs at the workplace)
- specify conditions when it may consider furnishing a flag (e.g., specific circumstances require further inquiry)
- specify circumstances when it will not furnish a flag (e.g., willful misconduct, negligence).

Agencies also should have established procedures for requesting the benefit, including reaching out to the bereaved potential beneficiary and asking if they want a flag. Agencies may consider an affirmative response as the beneficiary's request. These policies and procedures must be communicated to employees periodically, so they can advise their loved ones of the benefit and how to request it. Having established policies and procedures in place will help agencies make timely decisions and reach out to beneficiaries in a timely manner.

Each agency **MUST** —

- report the death of the employee to OPM's Enterprise Human Resources Integration (EHRI) warehouse using the Nature of Action Code 354;
- establish procedures for procuring, maintaining, and distributing flags to qualified beneficiaries;

- notify employees of the flag benefit annually (e.g., via annual benefit reminders, email, or agency intranet), sample language is found in [Appendix A](#);
- designate an authorized agency official(s) to determine whether to furnish a flag and, when doing so, to verify eligibility of the employee and beneficiary;
- disclose information necessary to prove that a deceased individual is an eligible employee to the extent that such disclosure does not endanger the national security of the United States; and
- incur the cost to distribute one flag per eligible employee to a beneficiary in accordance with the order of precedence, after the head of the agency or an authorized agency official has decided to do so and determined eligibility.

Each agency MAY—

- choose to use their official Website to notify the public of the availability of this benefit;
- consult with VA to develop procedures consistent with the VA's procedures for providing burial flags to commemorate deceased Veterans (see [http://www.cem.va.gov/burial\\_benefits/burial\\_flags.asp](http://www.cem.va.gov/burial_benefits/burial_flags.asp))
- provide information on the proper use and handling of the U.S. flag (see the VA's [Use of Flag and Correct Folding Method](#) - page 3);
- establish a format to provide consistent documentation of the request and the eligibility of the employee or use OPM form 1825-Application for U.S. Flag Recognition Benefit for Deceased Federal Civilian Employees (see [Appendices B](#) and [C](#) for an example of flag request documentation);
- establish a timeframe within which a beneficiary can submit a request, particularly as may be needed to adhere to the order of precedence; and
- notify the next of kin of the Wall of Honor Memorial recognition and submit the names of deceased eligible employees for the Memorial. (see [Appendices D](#) for procedures and [E](#) for sample notification language.)

## References

[Public Law 112-73; December 20, 2011](#)

[5 U.S.C. 5570 note](#)

5 CFR 550, subpart O

## Appendices

- [Employee Notification of Flag Benefit](#)
- [Flag Request Documentation](#)
- [OPM Form 1825 – Application for U.S. Flag Recognition Benefit for Deceased Federal Civilian Employees](#)
- [U.S. Office of Personnel Management Wall of Honor Memorial](#)
- [Next of Kin Notification of Wall of Honor Memorial](#)

Appendices A, B, and C are provided only as sample guidance for agencies in administering the Civilian Service Recognition Act. Appendices D and E provide procedures for nominating a loved one for the OPM Wall of Honor Memorial and notifying next of kin.

## **Appendix A: Employee Notification of Flag Benefit**

The Civilian Service Recognition Act (Public Law 112-73) requires an agency to notify employees of the flag benefit (e.g., via annual benefit reminders, email, agency intranet, or internet). An agency may use the following sample language to notify employees of the flag benefit or draft its own. An agency should tailor the language as needed to meet the specific needs of the organization and its employees.

### **Sample Email Language**

I am honored to announce that certain Federal employees are eligible for a flag recognition benefit. The [insert agency name] may furnish a United States flag to the beneficiary of an employee who dies under certain circumstances while serving the public.

On December 20, 2011, the Civilian Service Recognition Act (Public Law 112-73) was enacted. This law authorizes furnishing a United States flag upon the request of the beneficiary of a Federal civilian employee who dies of injuries incurred in connection with his/her employment under certain circumstances (for instance, as a result of a criminal act, an act of terrorism, a natural disaster, or other circumstances determined by the President). A copy of the public law and U.S Office of Personnel Management regulations and guidance are attached.

[Insert/reference information regarding applicable agency policy, such as when a flag will be given, might be given, or will not be given, along with any other information employees might want to share with their loved ones regarding the availability of this benefit.]

Please contact the Human Resources office at [insert specific contact information] with any questions or concerns.

Attachments: [P.L. 112-73](#)  
5 CFR 550, subpart O  
U.S. Office of Personnel Management Guidance

## Appendix B: Flag Request Documentation

An agency may use this sample language or OPM Form 1825 to collect information from an individual requesting a flag for a deceased Federal civilian employee. Agencies may choose to fill in this information on behalf of a beneficiary to facilitate processing the request. This information will assist the agency with its determination of eligibility and document the agency's determination.

### Sample Language

Requests for flags should be submitted to [insert agency office name, address, email address, and facsimile number here].

#### I. Information about the EMPLOYEE (deceased Federal civilian)

- A. Last, First, Middle Initial of the Employee Name
- B. Last four digits of Social Security Number
- C. Employing Agency
- D. Date of Death
- E. Cause of Death
- F. Death Certificate or other documentation acceptable to the agency, if needed

#### II. Information about the flag BENEFICIARY (requester of flag)

- A. Name of person entitled to request the flag
- B. Address of person entitled to request the flag (number and street, rural route, or P.O. Box; city; state; and ZIP Code)
- C. Relationship to deceased

#### III. Eligibility

- A. **Beneficiary-** I CERTIFY that I am eligible to request this benefit. (Print and Sign Name).  
[This can be done after the fact when other death benefit documents are signed. In accordance with agency policy, authorized officials may proceed with granting the flag when the agency is aware of sufficient facts to make an eligibility determination.]
- B. **Authorized Agency Official-** I CERTIFY that [insert name of the employee] is eligible for this benefit. (Print and Sign Name).

#### IV. Issuance of Flag

- A. I CERTIFY that I, [insert name of the authorized agency official], **issued** a United States flag to an eligible beneficiary.
- B. Signature of **Authorized Agency Official** (Print and Sign Name)
- C. Date flag was issued

# Appendix C: OPM Form 1825 – Application for U.S. Flag Recognition Benefit for Deceased Federal Civilian Employees

## APPLICATION FOR U.S. FLAG RECOGNITION BENEFIT FOR DECEASED FEDERAL CIVILIAN EMPLOYEES

### General Information and Instructions:

- Complete this form and submit it to the Federal Government agency that employed the deceased at the time of his/her death. Contact the agency if you need help to complete this form.
- Public Law 112-73 authorizes a Federal executive agency head to provide a United States flag under certain circumstances (see page 2 for eligibility information).

### INFORMATION ABOUT THE DECEASED FEDERAL CIVILIAN EMPLOYEE

Name of Deceased (Last, First, Middle Initial):

Last Four Digits of Social Security Number:

Date of Death:

Cause of Death:

Death Certificate or Other Documentation Provided (if required by agency):    Yes    No    N/A

Employing Agency:

### INFORMATION ABOUT THE FLAG BENEFICIARY

Name of Beneficiary (Last, First, Middle Initial):

Address (number and street or rural route, city or P.O., and ZIP Code):

Relationship to Deceased:

### ELIGIBILITY

**Beneficiary: I CERTIFY that I am eligible to request this benefit**

Print Name: (Last, First, Middle Initial)

Signature:

Date:

**Authorized Agency Official: I CERTIFY that the EMPLOYEE is eligible for this benefit.**

Print Name: (Last, First, Middle Initial)

Title of Authorized Agency Official:

Date Flag Issued:

Signature:

**Eligibility:**

Employees. An authorized agency official may, upon the request of a beneficiary, provide a United States flag on behalf of an individual who —

- was an employee of the agency; and
- died on or after December 20, 2011, of injuries incurred in connection with such individual's employment with the Federal Government suffered as a result of a criminal act, an act of terrorism, a natural disaster, or other circumstance as determined by the President.

Beneficiaries. An authorized agency official may furnish a United States flag upon the request of a beneficiary of a deceased eligible employee in the following order of precedence:

- widow or widower;
- if none, to a child (including step, foster, or adopted child), according to age (i.e., oldest to youngest);
- if none, to a parent (including step, foster, or adoptive parent);
- if none, to a sibling (including step, half, or adopted sibling), according to age (i.e., oldest to youngest);
- if none, to any individual related by blood or close family affiliation.

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**Privacy Act Notice:**

The information you provide is for the purpose of determining your eligibility for a benefit under Public Law 112-73, and the information will be protected from unauthorized disclosure. The collection, maintenance, and disclosure of this information is governed by the Privacy Act. The information you provide on this form may be disclosed without your consent by an agency maintaining the information in a system of records as permitted by the Privacy Act, and by routine uses published by the agency in the Federal Register. The office that gave you this form will provide you a copy of its routine uses. Completing this form is voluntary, though failure to complete any part of the form other than the Social Security Number (SSN) may result in a delay or denial of benefits. Executive Order 9397 (November 22, 1943) authorizes collection of the SSN to locate information in agency records. Refusal to provide the SSN by itself will not result in a denial of benefits, though it may delay processing. Information submitted is subject to verification through computer matching programs by written agreement with other agencies.

**Public Burden Information:**

The OMB clearance number, 3206-xxxx, is currently valid. This information may not be collected, and you are not required to respond, unless this number is displayed. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Reports and Forms Management Officer, U.S. Office of Personnel Management, 1900 E Street, NW, Room 5415, Washington, DC 20415. Do not send your completed form to this address.

# Appendix D: U.S. Office of Personnel Management Wall of Honor Memorial

## Description

To honor fallen Federal civilian employees, the U.S. Office of Personnel Management (OPM) has developed a tradition that pays tribute to employees who die in the line of duty. The Wall of Honor Memorial, a granite wall designed with 52 stars representing Federal employees from the 50 States, the District of Columbia and the U.S. Territories, is the first memorial of its kind. The Memorial is located in the main lobby of the OPM headquarters in the Theodore Roosevelt Building at 1900 E Street, N.W. in Washington, DC.

Previously, the Government has not kept any official record of Federal employees who died in the line of duty. OPM has created a new nature of action code (NOAC 354), effective October 1, 2013, for agencies to use to report this information to the Governmentwide Enterprise Human Resources Integration (EHRI) data warehouse. As part of the Wall of Honor Memorial, OPM will publicize a list of the names provided by agencies of Federal employees receiving this honor. OPM will accept nominations for inclusion on the Wall of Honor Memorial based on the same criteria used to furnish a United States flag to the beneficiary of a deceased eligible employee. OPM will periodically hold a ceremony to recognize honorees whose names are added to the list.

## Agency Responsibilities

Following the death of an employee who is eligible for a flag under the Civilian Service Recognition Act (P.L. 112-73) each agency MUST —

- Notify the family member or other appropriate representative of the eligibility to be recognized by the Wall of Honor Memorial; and, if appropriate, inform the family/representative about any ceremony details OPM plans for a given year.
- Provide biographies and photographs of the employee (if available) to OPM upon request; and
- Annually, review and confirm names provided by OPM. Agency Chief Human Capital Officers must confirm the names. (Note: agencies must report Foreign Service and intelligence community employees directly to OPM since these employees are not reported to EHRI.)

## Family Member Requests

- Family members of deceased eligible employees may submit a request to the authorized agency official to add a name to the Wall of Honor Memorial. Agencies will use the criteria for eligibility for the flag benefit to determine whether the employee's name should be added to the Wall of Honor Memorial and, upon affirmative determination, will submit that name to OPM's Office of Communications.
- Family members may also submit a request to the authorized agency official to remove the name of an honoree from the published list of names of the Wall of Honor Memorial. The authorized agency official will submit the request to OPM, at which point such a name will be removed.



- Family members may visit the OPM lobby and view the Wall of Honor Memorial by appointment. Appointment requests can be sent to the OPM Office of Communications at [wallofhonor@opm.gov](mailto:wallofhonor@opm.gov).

### **OPM Responsibilities**

To support the Wall of Honor Memorial, OPM will—

- Notify agencies of names reported under Nature of Action Code 354 documenting death in the line of duty, effective October 1, 2013;
- Request agency verification of employee names for the Wall of Honor Memorial. OPM will retrieve the names of employees from EHRI for the previous calendar year and send to the agency for verification;
- Publicize a list of Wall of Honor Memorial honorees;
- Periodically conduct a Wall of Honor Memorial ceremony for new honorees; and
- Designate its Office of Communications as the point of contact for the Wall of Honor Memorial. Inquiries and notifications should be sent to [wallofhonor@opm.gov](mailto:wallofhonor@opm.gov).

## **Appendix E: Next of Kin Notification of Wall of Honor Memorial**

An agency may use the following sample language to notify the next of kin of the Wall of Honor Memorial recognition. An agency should tailor the language as needed to meet the specific needs of the organization and its employees.

### **Sample Language**

I am honored to inform you that your loved one's name will be included on the list of honorees for the Wall of Honor Memorial in recognition of their contribution and sacrifice in service to our country.

On April 11, 2013, the U.S. Office of Personnel Management dedicated the Wall of Honor Memorial to recognize those civilian Federal employees who have given the ultimate sacrifice in service to their country. Your loved one meets the criteria to be listed among the names of other Federal civil servants who have died in the line of duty. The name of your loved one will be made public during a Wall of Honor Memorial ceremony. If you wish to participate or have any questions about the recognition, please contact the Human Resources office of [the employing agency; include specific contact information] with any questions or concerns. You may also contact the Office of Personnel Management, Office of Communications, at [wallofhonor@opm.gov](mailto:wallofhonor@opm.gov) or (202) 606-2402.