



VA & Tricare Newsletter

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What is Disability Retirement

Disability Retirement is sometimes called Chapter 61 retirement, since the law governing such a retirement is in Chapter 61 of the title 10 United States Code. Members who have been determined to be unfit for duty with a disability rated by the military service as 30 percent or greater are eligible for disability retirement. A member whose condition is not stable may be placed on the temporary disability retired list (TDRL) for up to five years at which point they must be either discharged, retired or returned to duty. Members whose condition has stabilized at a disability rating of 30 percent or higher may be placed on the permanent disability retired list (PDRL).

Permanent Disability

Permanent disability is one of two types of disability retirement available through the Defense Department. Service members officially rated at 30 percent permanently disabled, according to guidelines, are entitled to disability retirement pay from the Defense Department. To qualify, they must have spent at least eight years in the military or the disability must have been incurred in the line of duty.

If one of the requirements is met, retirees can receive retired pay based on the larger of two formulas: multiplying the retired pay base either by the percentage of the disability rating or by 2.5 percent of the number of years of service, up to a 75 percent ceiling. The retired pay base is final basic pay for those who entered service before Sept 8, 1980, and average basic pay over the three highest-earning years for those who entered service on or after that date.

The Defense Department and VA disability retirement systems have had important differences, chief among them the fact that the services assign ratings only to medical condition deemed "physical unfitting," with the intent of compensating for the loss of military career. VA may rate any service-connected condition to compensate for the loss of civilian employability. Military disability retirement ratings are final upon disposition, and VA ratings can vary over time, depending on how the condition progress. Finally, military disability compensation varies not only by the percentage disability rating, but also by a member's years of service and basic pay; VA payments are based on

DFAS: 0 1-800-321-1080

the percentage rating of the disability and the veteran's family status.

Temporary Disability

Temporary disability is when some service members have medical problems that prevent them from carrying out their military duties but may not be permanent. They are placed on the temporary disability retirement list maintained by each service and Defense Department paymasters.

The amount of monthly pay for those on the temporary retired list is determined by different rules from those that govern permanent disability. The minimum payment is 50 percent of the last amount of basic pay before the member was taken off duty, the maximum is 75 percent.

Those who receive temporary disability retirement pay must undergo medical exams every 18 months to determine the status of their disability. Within five years, doctors must determine whether the disability is permanent. At that point, they can be returned to duty, given a disability rating that qualifies them for either permanent disability retirement pay or disability severance pay, or separated with no benefits.

Military disability retirement pay is usually taxable; however, military disability retirement pay that is based on combat-related disability is tax-free.

Per NDAA 2017 there will be change to retired members placed on the temporary disability retired list (TDRL) on or after Jan. 1, 2017, will remain on the list for a maximum of three years instead of the current five years. Service members already on TDRL will not be affected.

Disability Severance

This is paid to members with less than 20 years of service and disabilities rated less than 30 percent. The 2008 Defense Authorization Act changed the minimum and maximum levels of disability severance pay. Previously, the payment was equal to two months of basic pay for each year of service, up to 12 years (a maximum of 24 months of basic pay). The minimum severance pay is now 12 months of basic pay for troops separated for a disability incurred in a combat zone and six months of basic pay for all other members.

In addition, the maximum severance pay has been increased from 24 months of basic pay to 38 months. This fully compensates members with as much as 19 years of service whose payments would have been capped at 12 years of service under the old formula.

Service members who receive severance pay also may be eligible for monthly VA disability compensation if their disabilities are deemed service-connected. Generally, severance pay must be repaid before members can begin receiving VA disability compensation. However, the 2008 Defense Authorization Act has carved out an exception to that offset for members who receive severance pay for a disability incurred while serving in a combat zone. Severance pay for disabilities incurred outside a combat zone will remain subject to the VA disability compensation offset. Service members with limited disabilities may be retained by their service, depending on individual circumstances.

SOURCE: DFAS, and Military.com websites

Transition Assistant Advisor
(TAA): Amy Eagen

The TAA is the TRICARE and
VA liaison for the state.

Assistance provided for:

- *TRICARE for Life*
- *TRICARE Reserve Select/TRICARE Retired Reserve*
- *TRICARE Dental, Active Duty Dental*
- *VA Services and Benefits*
- *Filing assistance for benefits with VA, DOD and Tricare*
- *The TAA is available* to provide in-person briefings for TRICARE and/or VA benefits. (Available during drill weekends)*
- *Pre-separation counseling associated with Transition Assistance Program (TAP).*

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VA Benefits

What is a Military Veteran?

One would think that would be an easy question to answer. In the millions of laws passed over two centuries by Congress, you would think that at least one of them would define the term "military veteran." Most dictionaries define "veteran" as (1) A person who has served in the armed forces, or (2) An old soldier who has seen long service. Using the dictionary definition, one would be a military veteran with just one day of military service, even with a dishonorable discharge. I like the following definition, which was once penned by an unknown author: A veteran is someone who, at one point in his/her life, wrote a blank check made payable to "The United States of America," for an amount of "up to and including my life."

In actuality, there is no standardized legal definition of "military veteran" in the United States. You see, veteran benefits weren't created all at one time. They've been added one-by-one for over 200 years by Congress. Each time Congress passed a new law authorizing and creating a new veteran benefit, they included eligibility requirements for that particular benefit. Whether or not one is considered a "veteran" by the federal government depends entirely upon which veteran program or benefit one is applying for. Of course now we can call anyone who has served a veteran, the different term that can come into play is now are they combat veteran or a veteran.

What establishes a Veteran?

For Reservists who served on active duty can establish veteran status and may be eligible for the full-range of VA benefits, depending on the length of active military service and a discharge or release from active duty under conditions other than dishonorable.

For National Guard members can establish eligibility for VA benefits if activated for federal service during a period of war or domestic emergency. Claims for VA benefits based on federal service filed by members of the National Guard should include a copy of the military orders, presidential proclamation or executive order that clearly demonstrates the federal nature of the service. Activation for other than federal service does not qualify guard members for all VA benefits. **In addition, reservists and national guard not activated may qualify for some VA benefits.**

What is Veteran Service Officer

A Veteran Service Officer (VSO) is service members advocate. They will assist you in filing your claim. They will tell you about programs that are available through the VA and other organizations that support veterans. Benefits of a VSO include:

- Convenience – Located in your hometown;
- Experience – Know what you need to file a claim;
- Free service for all vets
- Provide many public services – Honor Guards, Scholarships, Food banks and direct financial assistance.

The website to find a VSO in your area is as follows:

www.dmva.state.co.us

To file a VA Health Benefits claim

1. Uses a Veterans Service Officer (VSO), these individuals are your advocates. They will assist you in the process. The website to find a VSO in your area is as follows: www.dmva.state.co.us
2. Submit a copy of service discharge: DD214, DD215
3. Complete VA form 10-10EZ.

Source: VA Website

Watch out for the July newsletter which will contain information about Making a parent a dependent and Veteran Crisis Line. The newsletter can be found on the TAA face book page www.facebook.com/USATAA

If there is any material on Tricare, VA or DoD program you would like to see me address in my next newsletter please feel free to contact me at (720) 250 -1173 or email amy.j.eagen.ctr@mail.mil

