

# **RETIREMENT SERVICES OFFICE HANDBOOK FOR RETIRED SOLDIERS AND FAMILY MEMBERS**



**This Handbook has been prepared by:  
Deputy Chief of Staff, G-1,  
Retirement Services Office (RSO)**

**This Handbook is for informational purposes only.  
It does not make or change policy or regulation.  
Retired Soldiers and family members should  
contact their Army Installation Retirement  
Services Officer (RSO) for detailed  
or additional information.**

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## CHAPTER 1: INTRODUCTION

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### 1-1. Handbook for Retired Soldiers and Their Family Members

- a. This handbook outlines military status after retirement, discusses benefits and privileges, and provides other information, which may be helpful in administering personal affairs.
- b. The benefits and privileges referred to in the handbook apply to Soldiers who have retired from the U.S Army since its date of publication and are receiving retired pay. In the case of a retired reserve Soldier with 20 qualifying years, entitlement to receive retired pay is not established until age 60.
- c. This handbook should be made available to family members because it contains information concerning rights, benefits, and privileges to which they may be entitled.
- d. Many of the benefits listed are administered by government agencies other than Department of the Army. Eligibility for these benefits is determined by the government agency responsible.

### 1-2. Army Retirement Services Program.

- a. The Army's Retirement Services Program was started in November 1955 to provide an effective channel of communication between the Active Army and retired Soldiers. The program is basically educational in nature. The Army is concerned with their well-being and wants to keep them informed of the benefits and privileges to which they, their eligible family members, and survivors may be entitled.
- b. The Army Career and Alumni Program (ACAP) is designed to enhance and improve the Retirement Services Program by offering transition job assistance programs to retired Soldiers and family members before retirement, and since May 2003, for life. (Note: Effective May 2003, ACAP's employment assistance services were extended on a "space-available" basis to all Army retired Soldiers and their eligible family members for life, a benefit available only to Army retired Soldiers. This service to retired Soldiers will continue as long as it is resourced. Find more information at: [www.acap.army.mil](http://www.acap.army.mil).)

**1-3. Retirement Services Offices.** Retirement Services Offices have been established at most major Army installations. A listing of Retirement Services Offices is published in each issue of *Army Echoes*, the HQDA retired Soldier bulletin, and at [www.armyg1.army.mil/retire](http://www.armyg1.army.mil/retire). These offices are available to assist retired Soldiers and family members with military retirement matters. Retired Soldiers and family members are invited to call, write or visit these offices when they need assistance.

**1-4. Army Echoes.** *Army Echoes* is a HQDA bulletin published and mailed to retired Soldiers and surviving annuitant spouses three times per year. It keeps recipients informed of significant changes to laws that affect them and discusses changes in the active Army. Because some laws and directives require action on the retired Soldier and spouse's part, they are urged to read each issue of *Army Echoes* carefully and file it with this handbook.

**1-5. Chief of Staff, Army, (CSA) Retiree Council.** In March 1972, the Army Chief of Staff Officer and Enlisted Retiree Councils were established as part of the Army Retirement Services Program. The Council consists of 14 retired Soldiers (7 officer and 7 enlisted). A retired lieutenant general and a retired Sergeant Major of the Army, or a retired Command Sergeant Major serve as co-chairpersons. The objective of the council is to provide the CSA an insight into the issues and concerns of retirees and family members.

**1-6. Installation Retiree Councils.** Retiree councils have been established at most Army installations. Issues raised by these councils are either solved at the local level or submitted as issues for the Chief of Staff, Army, Retiree Council to consider, if the issue has Army-wide implications. Retired Soldiers can volunteer to serve on local installation retired Soldier councils. Volunteers serving on the Chief of Staff, Army, Retiree Council are selected from nominations received from installation councils.

**1-7. Retired Army Lapel Button.** Retired Soldiers are authorized to wear a Retired Army Lapel Button, which is a distinctive insignia consisting of the Department of the Army Seal, gold colored in low relief, within an olive-colored ring. The words "United States Army Retired" are inscribed on the ring in gold letters with a gold star between each word. Retired Soldiers are issued a lapel button at retirement. It also can be purchased from the Army and Air Force Exchange Service or military specialty stores.

**1-8. Retired Army Shoulder Patch.** The Army has authorized a "U.S. Army Retired" shoulder patch which retired Soldiers can wear on the left shoulder of their uniform at official functions or on civilian clothing (See paragraph 3-8 on wearing the uniform as a retired Soldier). The red, white, and blue patch consists of a coat of arms symbolizing the nation within a circle representing accomplishment and completion of a career in the United States Army. The patch is not issued, but it may be purchased in military clothing sales stores.

**1-9. Community Relations.** Retired Soldiers are a valuable link between the Active Army and the general public. Their knowledge makes them an effective spokesperson for the Army in the civilian community. Their example and influence can help the Army maintain the kind of public support essential to our national defense. Retired Soldiers living near Army installations can be particularly helpful in promoting good relationships between the installations and communities. No other group can better understand the feelings and problems of both the civilian and military communities. By serving as a liaison between the two sectors, retired Soldiers help them work together toward common goals. There are many ways in which retired Soldiers can serve as an active representative of the Army in their community. Speaking before civic groups, professional and business clubs, and veterans' organizations is one way. Writing newspaper articles on military subjects of current interest to the active Army is another. Retired Soldiers can help transitioning Soldiers by referring local employers the ACAP Web site, <http://www.acap.army.mil> where they can use the "employer" path to list jobs. The Army hopes that retired Soldiers will do their part in maintaining and strengthening the prestige of the Army and promoting goodwill between the Army and the general public. Retired Soldiers may contact an installation public affairs officer for more ways to help in the field of community relations.

**1-10. Army Community Services (ACS) Program.** ACS centers are the hub for social service programs on installations. The programs promote wholesome communities that foster self-reliance and family resiliency. Retired Soldiers and their families are eligible to use many ACS programs, and are encouraged to become ACS volunteers.

**1-11. Installation Volunteer Coordinators.** Most major Army installations have established an office to coordinate their volunteer efforts. Retired Soldiers and their family members, because of their wealth of personal experience and insight into many aspects of the military lifestyle, are in demand as volunteers. Retired Soldiers and family members can provide a vital service in the Army's family support programs. To volunteer, retired Soldiers and family members should contact their installation volunteer coordinator. It is not necessary that a person volunteer 40 hours a week or five days a week. Even one day or one hour can provide a vital service.

**1-12. Assistance to Local Army Recruiters.** Retired Soldiers perform a great service by encouraging capable and intelligent young people to select the Army as a career. These young people will pay particular attention to counsel from men and women who have found satisfaction in their own service.

## CHAPTER 2: RECORDS AND FILES

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### 2-1. Overview.

- a. A good plan is supported by documentation, records and files. To plan for tomorrow, one must start today -- one step at a time. To plan is to take charge of one's future. Not to plan is to let the future "just happen."
- b. A successful retirement plan also requires constant reevaluation and updating in the future. Time will clearly illustrate how quickly plans become outdated. Updating financial plans is even more critical because what is fiscally sound today may not be in five to ten years. Inflation, in conjunction with changing personal circumstances, can erode an otherwise sound fiscal plan.
- c. The first step in planning and determining tomorrow's needs is knowing what one has today. Therefore, retired Soldiers are urged to develop a list of assets and to list the location of important documents that survivors will need to claim them. Family members should be told where this information is on file and should have ready access to this handbook.

**2-2. Lost Records and Files.** Lost or misplaced records and files create problems for retired Soldiers and their spouses and survivors when they apply for benefits. Transitioning Soldiers should make and retain a copy of their complete medical and personnel records before turning them in for final out-processing. These records should be kept in a safe place for future reference. Preparing a will, purchasing insurance, electing coverage under the Survivor Benefit Plan (SBP), or having a service-connected disability determination made by the Department of Veterans Affairs (VA) are all very important actions. Lack of documentation often causes delayed benefits or a complete loss of benefits. It is especially frustrating when this occurs at a very critical or emotional time. The point is to maintain copies of documents in a place that is easily accessible.

### 2-3. Replacement of Lost Military Records.

- a. Request Replacement in Writing. A Standard Form (SF) 180 (not available online) should be used to request copies of military records. Mail the completed form to the addresses listed on the form. All requests must include the full name and Social Security Number of the person whose records are being requested. Installation Retirement Services Officers are available to provide guidance in this and other matters.
- b. Request Replacement Online. The National Personnel Records Center (NPRC) also offers an online option for those requesting military records at <http://vetrecs.archives.gov>. Retired Soldiers, veterans and their next-of-kin can use this site to request records instead of using the SF 180. All others must still use the Standard Form 180. NPRC anticipates can offer better service online by eliminating mailroom processing time and, through the use of online prompts, avoid delays caused by incomplete applications.

### 2-4. Correction of Military Records.

- a. Using Department of Defense (DD) Form 149, "Application for Correction of Military Record. Under the Provisions of Title 10, U.S. Code, Section 1552," a retired Soldier, their survivors, or a legal representative may request a correction to military records. The completed DD Form 149 should be submitted to: Commander, HRC-St. Louis, 1 Reserve Way, St. Louis, MO 63132-5200. A DD Form 149 may be obtained from a Retirement Services Officer or from the Internet at: <http://www.dtic.mil/whs/directives/infomgt/forms/forminfo/forminfo2137.html>)



b. In order to justify correction of a military record, the applicant must, to the satisfaction of the Army Board for Correction of Military Records (ABCMR), prove that the alleged entry or omission in the record was in error or unjust. The ABCMR considers applications and makes recommendations to the Secretary of the Army. An application for correction of record must be filed within three years after discovering the error or injustice. If filed after the three-year deadline, the applicant must include in the application reasons the ABCMR should find it in the interest of justice to accept the late application.

c. Evidence may include affidavits or signed testimony executed under oath, and a brief of arguments supporting the application. All evidence not already included in one's record must be submitted. The responsibility for securing new evidence rests with the applicant, not the U.S. Army.

## 2-5. Change of Address.

a. Retired Soldiers and annuitants in receipt of pay. Prompt reporting of a change in address is essential for the continued receipt of retired or annuity pay. The Defense Finance and Accounting Service - Cleveland Center (DFAS-CL) maintains two separate mailing lists, one for pay purposes and one for correspondence purposes, which includes mailing of *Army Echoes*, Retired Soldier Account Statements (RAS), DFAS-CL Newsletters, and income tax forms (1099R). Retired Soldiers and annuitants who receive their pay by Electronic Funds Transfer (EFT) or International EFT (IEFT) sometimes forget to change their home address, because their pay continues to the financial institution regardless of a change in residence. Keep your address current! Send changes of address to DFAS-CL's mail center at: DFAS, U.S. Military Retired Pay, PO Box 7130, London, KY 40742-7130, or fax them to 1-800-469-6559. Annuitants (i.e., those in receipt of Survivor Benefit Plan, SBP, or Retired Serviceman's Family Protection Plan, RSFPP, annuities) may change their address by writing to: DFAS, U.S. Military Annuitant Pay, PO Box 7131, London, KY 40742-7131, or by faxing it to 1-800-982-8459. Army Installation Retirement Services Officers (RSO) are also available to assist in changing addresses.

b. For Mobilization. Retired Soldiers are subject to mobilization. Therefore, they must also submit changes of address to Commander, HRC-St. Louis, ATTN: ARPC-PLM-O, 1 Reserve Way, St. Louis, MO 63132-5200; Web site <https://www.hrc.army.mil>; phone number (314)592-0000, ext. 3030.

c. "Gray Area" retired Soldiers. "Gray area" refers to members who have received their Notification of Eligibility (NOE) to receive retired pay at age 60 (aka 20-year letter). They, too, must keep their correspondence addresses updated by writing to Commander, HRC-ST LOUIS, ARPC-PSP-T, 1 Reserve Way, St. Louis, MO 63132-5200. Address questions to (314)592-0553.

d. Non-annuitant spouses. Surviving spouses, not in receipt of SBP, do not receive *Army Echoes*; therefore, they need not notify DFAS-CL of changes of address. However, address changes must still be reported to DEERS via any military ID card issuing facility. Locate the nearest facility by going to: <http://www.dmdc.osd.mil/rs1>.

e. Former spouses. Former spouses of retired Soldiers do not receive *Army Echoes*. Former spouses who are eligible for ID Card benefits should, however, keep their address current with in DEERS via any military ID card issuing facility. Locate the nearest facility by going to: <http://www.dmdc.osd.mil/rs1>.

f. Retired Soldiers and survivors receiving benefits from the Department of Veterans Affairs (VA). Retired Soldiers and survivors receiving benefits from the VA should notify the VA at 1-800-827-1000, of their address changes.

## 2-6. Military Identification and Privilege Cards.

a. Military Identification and Privilege Cards (aka ID Cards) are issued to retired Soldiers and eligible family members as a means of identification and as authorization for various benefits and privileges. DD Form 2A (Ret) (blue) (Armed Forces Identification Card) is issued to retired Soldiers who are entitled to retired pay, even if they have waived their military retired pay in favor of VA compensation, or due to retirement from the federal government. DD Form 1173 (Uniformed Services Identification and Privilege Card) is issued to eligible family members of living and deceased retired Soldiers. The DD Form 1173 identifies the family member as being eligible for commissary, exchange, theater privileges, and medical care. Medical care at military facilities is provided on a space-available basis.

b. Retired Soldiers and eligible family members who are enrolled in the Defense Enrollment Eligibility Reporting System (DEERS) may apply to any Military Identification Card Issuing Facility for issue of an ID card. Find the nearest facility by visiting: <http://www.dmdc.osd.mil/rsi>. If not enrolled in DEERS, they must present supporting documents such as retirement orders, marriage certificates, birth certificates, etc. Family members may apply for an ID card without the retired sponsor being present. However, the sponsor's signature must be notarized on the completed application presented to the ID Card Issuing Facility.

c. The Uniformed Services Identification and Privilege Card is the property of the U.S. Government. It is not transferable, and must be surrendered by the retired Soldier or family member upon any change in status that affects eligibility; upon expiration of the card; or upon request by military authorities. Cards should be returned to Commander, U.S. Army Human Resources Command--Alexandria, 200 Stovall Street, Alexandria, Virginia 22332.

d. Generally, the following individuals are eligible for military ID Cards. The final decision is based on Army regulations and policies. Always call before going to an ID card issuing office.

(1) Retired Soldiers in receipt of retired pay, or who would be in receipt of retired pay but for the receipt of VA disability compensation or Civil Service retirement.

(2) Spouses of individuals in (1) above. (NOTE: A 2004 law change allows an eligible family member to apply for and receive an indefinite ID card, i.e., one that does not have to be renewed every four years. Eligibility requirements remain unchanged.)

(3) Certain former spouses of individuals in (1) above. (See Chapter 12 for former spouse benefits)

(4) Children, including step-children and adopted children, under age 21, or under age 23 if full-time, unmarried students, or any age if incapacitated before the age of 21 (or 23, if applicable) and dependent upon the retired sponsor in (1) above for more than one-half their support.

(5) Parents, parents-in-law, and adopted parents, if dependent on the retired sponsor in (1) above for more than one-half of their support.

e. Documentation for incapacitated children over 21 and dependent parents must be approved for medical benefits and entitlements by DFAS-IN. Visit or call your nearest ID Card Issuing Facility for specifics and assistance.

**2-7. Defense Enrollment Eligibility Reporting System (DEERS).** DEERS is a computerized database containing information on military sponsors (active, reserve/guard, retired) and their beneficiaries who may be eligible for medical care and other military privileges. The database is automatically updated when a new ID card is issued. Retired Soldiers who acquire new family members after retirement should contact the nearest military ID Card Issuing Facility for information on DEERS enrollment and ID Card issuance.

## **2-8. Military Installation Privileges--Stateside.**

- a. Retired Soldiers, eligible family members, and un-remarried surviving spouses are authorized to use various morale, welfare, and recreation (MWR) facilities on military installations when adequate facilities are available.
- b. The availability to accommodate retired Soldiers varies widely at different Army installations. The local installation commander determines whether these facilities may be used by retired Soldiers. This determination is usually based on whether the facilities can accommodate retired Soldiers without creating hardships for active duty Soldiers. Retired Soldiers and family members are authorized use of Commissary and Post Exchange facilities in the United States regardless of store adequacy.
- c. Your military ID card is sufficient proof of eligibility.

## **2-9. Military Installation Privileges--Overseas.**

- a. Some retired Soldiers who travel overseas are disappointed to learn that they are not permitted to use the Service facilities of an overseas U.S. military base -- a privilege to are normally entitled to within the United States. Army regulations regarding Commissary and Post Exchange privileges for retired Soldiers are applicable overseas only to the extent agreed upon by the foreign governments concerned, better known as Status of Forces of Agreements (SOFA). Sometimes certain facilities are so limited in an overseas area that their use cannot be extended to retired Soldiers. Medical facilities in some foreign countries are designed and staffed only to care for active duty Soldiers and their eligible family members, and use by retired Soldiers and their family members must be severely limited.
- b. Before traveling overseas, contact officials at the overseas location to determine the privileges available. Retirement Services Officers (RSO) can provide their current address. See the RSO listing at [www.armyg1.army.mil/retire](http://www.armyg1.army.mil/retire).

**2-10. Locating Former and Retired Soldiers.** The Privacy Act prevents the Department of the Army from releasing the home addresses of former and retired Soldiers to private individuals (including other Soldiers and spouses of Soldiers) without the express written consent of the Soldier. The Army is no longer able to provide locator services; therefore, one of the many online services available from private entities must be used.

## CHAPTER 3: MILITARY STATUS

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**3-1. Composition of Retired List.** Soldiers are placed on one of the following lists at retirement:

- (a) U.S. Army (USA) Retired List. Regular Army (RA) commissioned officers, warrant officers, and enlisted Soldiers, retired for any reason, who are granted retired pay under any provision of law, are placed on the USA Retired List.
- (b) Army of the United States (AUS) Retired List. The AUS Retired List is for officers, other than Regular Army officers, who are members and former members of the Reserve Component (U.S. Army Reserve and Army National Guard of the United States), and Soldiers who served in the AUS without component who are granted retired pay under any provision of law; and retired warrant officers and enlisted Soldiers of the Regular Army who, by reason of service in temporary commissioned grades, are entitled to receive retired pay of the commissioned grades.
- (c) Temporary Disability Retired List (TDRL). The TDRL is for officers, warrant officers, and enlisted Soldiers who are retired for disabilities which may or may not be permanent.

### 3-2. Temporary Disability Retired List.

- a. Soldiers placed on the Temporary Disability Retired List (TDRL) must take a physical examination at least once every 18 months at a time and place designated by the Human Resources Command – Alexandria (formerly PERSCOM). After each periodic reevaluation, including review at HQs, Department of the Army, a decision is made that the Soldier will --
  - (1) continue on the TDRL with the same disability rating, subject to further examinations;
  - (2) be removed from the TDRL and be permanently retired if the disability is permanent and rated at 30 percent or more, or if the disability is permanent and rated at less than 30 percent but the Soldier has completed 20 or more years of creditable service;
  - (3) be discharged from the service with severance pay if the Soldier's disability is determined to be less than 30 percent and the Soldier does not have 20 years of service creditable for retirement;
  - (4) be removed from the TDRL with a finding of physically fit. A Soldier who is found to be physically fit will be re-appointed or re-enlisted, with the Soldier's consent, in the component in which he or she was serving immediately before being placed on the TDRL. If the date of reappointment and placement on the Active Duty List (ADL) is after the date a Regular Army (RA) officer was subject to mandatory retirement because of age, years of active federal service, Selective Early Retirement Board (SERB) selection or promotion on-selection, or if an OTRA officer and the reappointment date is on a date after the officer was to be involuntarily separated because of years AFS or promotion non-selection, RA officers will be mandatorily retired and OTRA officers involuntarily separated on the last day of the month following the month in which the officer is re-appointed.
- b. Soldiers may be carried on the TDRL for a maximum of 5 years. After the 5-year period, retired pay is terminated and the Soldier's name is removed from the list by one of the actions outlined above.
- c. TDRL Soldiers must immediately report any change of address to the Commander, U.S. Army Physical Disability Agency, ATTN: TDRL Section, Walter Reed Army Medical Center, Bldg. 7, 6900 Georgia Avenue, NW, Washington, DC 20307-5001, to ensure they receive notification of their next periodic medical examination. Soldiers traveling or living abroad also are required to undergo a medical examination at least once every 18 months. Failure to report for an examination after receipt of notification is cause to terminate disability retired pay.

d. TDRL Soldiers who have waived Army retired pay to receive tax-free disability compensation from the Department of Veterans Affairs (VA) must continue to take periodic medical examinations when ordered by the Secretary of the Army. If a patient in a VA hospital at the time of a scheduled periodic examination, the patient must notify the Physical Disability Agency (PDA), who will then obtain a report from the VA that serves to replace the periodic examination.

e. When corresponding with PDA, print or type your full name as it appears in your military records and include your Social Security Number (SSN).

f. TDRL Soldiers are authorized travel allowances to and from the medical examination facility. Reimbursement usually is made at the facility. If for any reason reimbursement for travel expenses is not granted, the retired Soldier should contact the Commander of the facility where the examination took place.

g. Transportation Requests (TRs) can be obtained from the nearest military installation. The TR will authorize travel at no personal expense, and will cover travel expenses to the medical facility.

**3-3. Advancement on the Retired List.** When active duty service plus service on the U.S. Army retired list totals 30 years, each warrant officer of the Army and each enlisted Soldier of the Regular Army can be advanced on the Army of the United States (AUS) Retired List to the highest grade satisfactorily served on active duty. The Secretary of the Army decides what criteria constitute satisfactory service. Because those criteria may be revised from time to time, it is not practicable to include them in this handbook. The Army agency responsible for such actions, the Human Resources Command – St. Louis (HRC-ST LOUIS), formerly AR-PERSCOM, applies the most current criteria at the time the retired Soldier has completed 30 years service.

#### **3-4. Reserve Status of Retired Soldiers.**

a. The U.S. Army Reserve consists of the Ready Reserve, the Standby Reserve, and the Retired Reserve.

b. Each Soldier of the U.S. Army Reserve is placed in one of these categories:

(1) A Reserve officer and warrant officer who has retired after serving 20 years or more of active duty is placed on the Army of the United States (AUS) Retired List and immediately transferred to the Retired Reserve.

(2) An officer holding a commission in the Army Reserve who is retired for permanent disability and placed on the AUS Retired List is transferred to the Retired Reserve.

(3) An enlisted Soldier of the Regular Army who retires from active duty with at least 20 but fewer than 30 years service automatically becomes a Soldier of the Army Reserve until he or she has 30 years of active and retired service. The Army also assigns these people to the Retired Reserve. When they attain a combined total of 30 years service, they may remain in their dual status (U.S. Army Retired and U.S. Army Reserve Retired), or request HRC-ST LOUIS to discharge them from the Army Reserve. Discharge from the Army Reserve in no way affects their retired pay or status on the U.S. Army Retired List. A Regular Army enlisted Soldier who holds dual status as a Reserve commissioned or warrant officer may complete the remainder of service in either officer or enlisted status; in either case, the Army will transfer the Soldier to the Retired Reserve upon retirement from active duty. If the Soldier elects to complete 30 years service in enlisted status, status as a Reserve officer of the Army will be vacated automatically upon retirement, and the Soldier will be transferred to the Retired Reserve in enlisted status.

**3-5. Obligations for Military Service.** Regular Army retired Soldiers remain subject to military law. This applies to those advanced to a higher grade on the AUS Retired List, as well as those enlisted Soldiers assigned to the Retired Reserve to complete 30 years service. They may be ordered to active duty at any time by the President, and may be assigned to duties the President considers necessary in the interests of national defense.

### **3-6. Mobilization.**

- a. The Secretary of the Army, with approval of the Secretary of Defense, may order any retired Soldier of the Army's Reserve Components, with or without the Soldier's consent, to active duty when the Congress declares the existence of a state of war or national emergency.
- b. In the event of full mobilization (war), the Army has developed a program for recalling retired Army officers, warrant officers, and enlisted Soldiers. This program preassigns retired Soldiers, by skill, to CONUS TDA/MOBTDA requirements considered suitable for fill by retired Soldiers. These positions may be mobilization augmentation positions or spaces encumbered by active Army Soldiers. When recalled, upon reporting for active duty, retired Soldiers free up more Soldiers for deployment. Retired Soldiers may also be deployed provided they are qualified and capable of performing duties related to their military occupational specialty. Selected retired Soldiers may also be recalled to active duty, either voluntarily or involuntarily, to fill specific needs during contingency operations requiring less than full mobilization. In such cases, HRC-St Louis will issue orders recalling those selected and provide instructions to be followed.
- c. Retired Soldiers may be recalled up to age 64 for general officers, 62 for warrant officers, and 60 for all others.
- d. A Soldier in the Retired Reserve who receives retired pay or disability compensation and is recalled to active duty, active duty for training, or any other duty for which compensation is authorized, may receive only one type of payment.

### **3-7. Military Titles and Signatures.**

- a. All retired personnel not on active duty are permitted to use their military titles socially and in connection with commercial enterprises. Such military titles must never be used in any manner which may bring discredit to the Army. The use of military titles is prohibited in connection with commercial enterprises when such use, with or without the intent to mislead, gives rise to any appearance of sponsorship or approval by the Department of the Army or Department of Defense.
- b. Military titles will not be a part of the signature block of a retired Soldier when signing official correspondences as a civil service employee.
- c. Retired Soldiers not on active duty will not use their military titles in connection with public appearances outside the United States unless such use is authorized by the appropriate overseas commander.
- d. When military titles are used by members to sign their names to documents that pertain to them personally, they must show that they are in a retired status after the grade as follows:
  - (1) USA Retired will be used by all Regular Army personnel retired for service, age, or physical disability including Regular Army personnel on the Temporary Disability Retired List.
  - (2) AUS Retired will be used by all personnel on the Army of the United States Retired List, including non-regular Army personnel on the Temporary Disability Retired List.
- e. Social and business calling cards must reflect the retired status as shown above.
- f. In a military office, retired Soldiers using military titles on the telephone could lead to confusion and unwitting misrepresentation, conveying the impression of active duty status. In any case, common sense is the guide when a retired Soldier works for the Government. No reasonable retired officer would invite awkwardness when employed in a military office by insisting on being called by military title, if such title outranks the retired Soldier's active duty chief. The retired

Soldier's use of his rightful title in Government employment is guided by his acceptance of his civilian status and loyal conformance to the established channels of command. Local customs, practices, and conditions of employment are the primary influencing factors.

### **3-8. Wearing of the Uniform.**

- a. Wearing a uniform after retirement is a privilege granted in recognition of faithful service to country. Retired Soldiers should exercise this privilege whenever possible and in such a manner as to reflect credit upon themselves and the United States Army.
- b. Soldiers who are advanced to a higher grade upon retirement may wear the insignia of such higher grade while participating in retirement ceremonies and thereafter.
- c. Retired Soldiers serving on active duty status will wear the uniform and insignia prescribed for Soldiers in the active Army of corresponding grade and branch. Retired Soldiers not on active duty may wear either the uniform reflecting their grade and branch on the date of their retirement or the uniform for Soldiers in the active Army of corresponding grade and branch, when appropriate. The two uniforms may not be mixed. The grade worn is that indicated on the retired grade of rank line of the retirement order.
- d. Retired Soldiers not on active duty are not authorized to wear shoulder sleeve insignia except as follows:
  - (1) Junior ROTC instructors will wear the Cadet Command shoulder sleeve insignia on their left shoulder.
  - (2) The shoulder sleeve insignia of a former wartime unit may be worn on the right shoulder by retired Soldiers who served in the unit.
  - (3) The retired shoulder patch is worn on the left shoulder sleeve, centered one-half inch from the top.
- e. Retired Soldiers not on active duty are not authorized to wear the Army uniform when they are instructors or are responsible for military discipline at an educational institution unless the educational institution is conducting courses of instruction approved by the Armed Forces.
- f. Restrictions. Wear of the Army uniform is prohibited for all retired Soldiers--
  - (1) In connection with the promotion of any political or commercial interests or when engaged in off duty civilian employment. Army Reserve technicians who are also Soldiers of the Ready Reserve may wear the Army uniform at their option while on duty in their civil service status.
  - (2) When participating in public speeches, interviews, picket lines, marches, rallies, or public demonstrations, except as authorized by competent authority.
  - (3) When wearing the uniform would bring discredit upon the Army.
  - (4) When specifically prohibited by Army Regulations (AR). (Refer to AR 670-1, Wear and Appearance of Army Uniforms and Insignia; [http://www.army.mil/usapa/epubs/pdf/r670\\_1.pdf](http://www.army.mil/usapa/epubs/pdf/r670_1.pdf).)
- g. If there is any doubt about wearing the uniform to a function, the commander of the nearest Army installation should be contacted. Retired Soldiers in a foreign country should contact the American Embassy, the American Consulate, or a U. S. military authority. The Retirement Services Officer can also provide information and assistance.

### **3-9. Decorations and Awards.**

- a. Retired Soldiers who have not received the awards to which they are entitled, or who desire replacement of items previously issued which were lost, destroyed, or unfit for use without fault or

neglect on their part, may obtain these items by writing to National Personnel Records Center, ATTN: Army Reference Branch (NRPMA-M), 9700 Page Avenue, St. Louis, MO 63132-5100.

b. The original issue of all decorations and service medals is made without cost to the retired Soldier. Replacements are made at cost. The request for replacement of awards should include an explanation of the circumstances surrounding the loss. No money should be mailed for replacements until instructed to do so. The Department of the Army does not issue or sell miniatures of decorations or awards. Miniatures may be purchased from military insignia dealers.

c. The Department of Army is not involved in the issuance or replacement of foreign decorations. Retired Soldiers who have earned military decorations from a foreign nation must apply to that embassy directly for issue or reissue.

**3-10. Legal Assistance.** Most military installations have legal assistance attorneys who are available for consultation and assistance on personal legal problems of a civil nature. This assistance is available to retired Soldiers and their eligible family members. Assistance is not given in connection with matters relating to business pursuits.

### **3-11. The Department of Veterans Affairs.**

a. Retirement is considered the same as discharge or relief from active duty for purposes of Department of Veterans Affairs (VA) benefits. Therefore, the benefits administered by VA which are available to Soldiers being discharged or relieved from active duty are available under the same conditions applied to retired Soldiers.

b. VA has regional offices and centers throughout the United States, the Commonwealth of Puerto Rico, and the Republic of the Philippines. For information or assistance concerning VA benefits, contact the nearest VA office. Residents of foreign countries should contact the nearest American Embassy or Consulate. Toll-free telephone service (1-800-827-1000) is available in all 50 States.

c. Publications describing benefits administered by VA may be obtained at no cost from the nearest VA office or on the Internet at [www.va.gov](http://www.va.gov).

### **3-12. Army Emergency Relief.**

a. Army Emergency Relief (AER), a private, nonprofit organization, was established in 1942 and is dedicated solely to helping the Army take care of its own. AER provides three types of financial assistance to retired Soldiers, and their families and survivors:

- (1) Emergency assistance to retired Soldiers and their families who are faced with a valid emergency often involving essentials of everyday living.
- (2) Assistance to spouses and orphans of deceased Soldiers based on an emergency, a sustaining need, or for special one-time needs.
- (3) Educational assistance to unmarried dependent children of retired Soldiers.

b. AER assistance is available primarily through AER sections at Army installations worldwide. When there is no AER section convenient, based on reciprocal agreements, assistance may also be obtained through Navy Relief Society Offices, Air Force Aid Society Offices, or local American Red Cross Chapters. AER information can be obtained online at: <http://www.aerhq.org>.

c. AER does not solicit funds outside the Army. The AER Annual Fund Campaign is conducted Army-wide from 1 March to 1 July. Contributions from retired Soldiers may be sent to the nearest installation AER section or to: AER, 200 Stovall Street, Alexandria, VA 22332-0600. Requesting contributions are made via a retired pay deduction is also an option for retired Soldiers.



## CHAPTER 4: EMPLOYMENT RESTRICTIONS

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### 4-1. Standards of Conduct.

a. Retired Soldiers should not engage in personal or professional activities which are incompatible with the standards of conduct expected of active duty personnel. Retired Regular Army Soldiers who are entitled to receive pay, including warrant officers and enlisted Soldier advanced to a commissioned grade on the Army of the United States Retired List, are subject to the provisions of the Uniform Code of Military Justice. Retired Regular Army officers are considered to be officers of the United States and, unless specifically exempted by law, are subject to any statutory restrictions imposed on officers of the United States even though such statutes do not specifically refer to retired members of the Armed Forces.

b. It is not feasible to cover all the provisions of law which restrict the activities of retired Soldiers. Only the general context of the more important provisions is explained in this chapter. If there is any doubt as to whether or not a retired Soldier may be in violation of a particular law by accepting employment with the Federal Government or with a firm doing business with the Government, advice on the matter should be obtained from the Designated Agency Ethics Official (DAEO) of the organization from which you retiring or at the nearest military legal office.

**4-2. Dual Compensation.** Dual Compensation was rescinded by Section 651, PL 106-65, effective October 1, 1999.

### 4-3. Employment in DOD.

a. Employment Restrictions. There are several employment restrictions which apply to Soldiers after retirement. These restrictions are covered in DOD, Joint Ethics Regulation, ([http://www.dod.mil/dodgc/defense\\_ethics/ethics\\_regulation/](http://www.dod.mil/dodgc/defense_ethics/ethics_regulation/)) and at mandatory pre-retirement briefings. You are urged to contact any DAEO before accepting post-retirement employment.

b. Extension of Veterans' Preference. The Fiscal Year (FY) 2006 National Defense Authorization Act (NDAA) contained two provisions that extend veterans' preference rights to Operation Iraqi Freedom (OIF). The first provisions gives preference to those who served on active duty beginning 11 September 2001 and ending at the close of OIF. The second provision clarifies veterans' preference eligibility for federal hiring as available to individuals "who are discharged or released from active duty service", provided they meet other eligibility requirements. This new language replaces "individuals separated from the armed forces." OPM will revise its regulations and web-based guidance to reflect the changes. Learn more about this provision at: <http://opm.gov/news/veterans-preference-extended-to-operation-iraqi-freedom,1024.aspx>

### 4-4. Business Activities.

a. Generally speaking, there is no provision of Federal law which prevents retired Soldiers from being employed by a domestic corporation or other concern doing business with or rendering services to the Government. There are no restrictions on the amount of compensation received from private employment, nor does the receipt of salary from a private firm have any effect on the amount of retired pay received.

b. Under the Harbord Amendment, regular Army officers forfeit retired pay on a day-for-day basis for every day in which he or she is engaged in selling any tangible goods to any agency of the Department of Defense (including its non-appropriated fund activities), or any other uniformed service (such as the Public Health Service). This restriction applies to the first three years of retirement. The term "tangible goods" includes any article of tangible personal property and real property, but does not include personal and professional services, such as transportation

services, repair services, the supplying of public utilities, and the serving of meals in restaurants, even though tangible property is furnished as an incident to the service being performed. The forfeiture of retired pay applies to that period of employment during which the officer continues to engage in sales activities, and thereafter to the period covered by any contract resulting from those activities. However, this period may not exceed three years from the date of retirement.

c. Retired Regular Army officers are prohibited, within two years after retirement, from representing any person in the sale of anything to the Army. This statute is broader than the Harbord Amendment and includes sales of services as well as tangible property. The prohibition includes sales to non-appropriated fund activities under the control of the Department of the Army as well as to the Army and Air Force Exchange Service. It extends to any part of the sales process which involves contacts with representatives of the Department of the Army even though the goods or services involved are formally procured or utilized by some other agency of the Government. The statute prohibits only representation of others; it does not bar retired Regular Army officers from selling to the Department of the Army upon their own behalf and solely for their own benefit.

d. Selling, for the purposes of the provisions discussed above, is defined as--

(1) Signing a bid, proposal, or contract.

(2) The Comptroller General has adopted the position that pre-contract contacts between retired officers representing companies selling to the Government and officials of Defense agencies should be viewed as within the sales prohibition unless clearly shown to be for some other purpose. Further, the fact that the sales contact was unsuccessful in a particular case does not afford any basis for ignoring its purpose.

e. Within this framework, the Comptroller General and the U.S. Court of Claims have concluded that among the specific sales activities prohibited by the Harbord Amendment are the demonstration of drugs, contacts with representatives of the departments in question to determine current and future product needs or to ascertain procurement procedures and policies, contacts to promote goodwill toward a manufacturer's product, and settling disputes concerning performance of a contract.

f. The Department of the Army considers it to be the responsibility of the individual officers to avoid violation of Federal law and regulations, and to determine those activities which they may legally pursue without jeopardizing the rights and benefits of their retired status. The Defense Finance and Accounting Service - Cleveland Center, U.S. Military Retired Pay, PO Box 7130, London, KY 40742-7130; 1-800-321-1080; will advise retired personnel concerning the propriety of various proposed activities. Questions submitted to DFAS-CL for advisory opinions should involve concrete situations and not hypothetical questions. The facts of each case should be fully disclosed with as much detail as possible. Furthermore, the field of law with which this handbook deals is subject to frequent change by legislation and administrative decisions by the Comptroller General of the United States. At any time, the restrictions discussed might be narrowed or broadened by congressional action or administrative interpretation.

#### **4-5. Employment by Foreign Governments and Concerns.**

a. Retired Soldiers of the Regular Army, Army National Guard, and the US Army Reserve who want to accept employment with a foreign government must submit a request in writing to HRC-St. Louis, ATTN: DARP-PAR-SCI, 1 Reserve Way, St. Louis, MO 63132. The request will include:

(1) A detailed description of the civil duties to be performed for the foreign government, as provided by the prospective employer.

(2) A statement that the retired Soldier will or will not receive compensation for the duties performed.

(3) A signed statement that the retired Soldier will not be required to execute an oath of allegiance to the foreign government involved.

b. If a retired Soldier's approved foreign government employment is materially changed, either by a substantial change in duties specified in the approved application or by a change of employer, the retired Soldier must request further approval by the same procedures used for the initial request.

c. Any retired Soldier who accepts civil employment with a foreign government without the required approval is subject to having retired pay withheld in an amount equal to the amount received from the foreign government. This withholding is in addition to any other penalty that may be imposed under law or regulation.

#### **4-6. Representation of Interests Contrary to the United States.**

a. Retired commissioned and warrant officers of the Regular Army within two years after retirement may not act as agents or attorneys for the prosecution of any claim against the United States involving the Department of the Army, or assist in the prosecution of such a claim. Further, they are permanently prohibited from prosecuting, or assisting in the prosecution of, any claim against the United States involving any subject matter with which they were directly connected while on active duty.

b. All retired commissioned and warrant officers are permanently barred from acting as representatives or agents for anyone other than the United States in connection with any claim, contract, or other particular matter in which the United States is a party, or has a direct interest, and in which they participated personally and substantially while on active duty. Further, they are prohibited, within two years after retirement, from appearing personally before any court, department, or agency of the United States as representatives or agents for anyone other than the United States in connection with any particular matter involving a specific party in which the United States is a party or directly interested, and which was under their supervisory or official responsibility, during their last year of active duty.

c. Those persons who are interested in appearing as representatives before the Department of the Army or any of its agencies in matters involving claims against the United States, or matters which lead to the formal presentation of claims, should become familiar all Army Regulations which deal with filing notices of appearance. Copies of Army regulations are available for examination at Army installations and on the internet at: <http://www.apd.army.mil>.

#### **4-7. Political Activities.**

a. There are no statutes or regulations which prohibit retired military personnel from supporting political parties or becoming candidates for public office. The use of military titles by retired officers with respect to politics is permissible provided the usage does not bring discredit upon the Department of the Army or the Department of Defense. Retired personnel may accept positions within the organization of political parties. The Hatch Act is not considered applicable to retired officers who hold no other Federal positions.

b. Retired Regular Army commissioned officers who use contemptuous words in speech or print against the President, the Vice President, Congress, the Secretary of Defense, the Secretary of a military department, the Secretary of the Treasury, or the Governor or legislature of any State are subject to trial by courts-martial under the Uniform Code of Military Justice (UCMJ).

c. These comments should be considered as advisory in nature only. Definitive opinions and determinations in this area may be made only by the Attorney General of the United States and by Federal courts.

#### **4-8. Submission of Written Material for Review.**

- a. Retired Soldiers are not required to submit writings and public statements on military subjects to the Department of the Army for official clearance. This does not modify any official regulations issued for safeguarding classified information. Retired Soldiers are personally responsible for insuring that the information they release or make available for release to the public is consistent with the national security. If in doubt as to whether the material prepared for publication may violate security regulations, the retired Soldier may submit it for review to the Chief of Public Affairs, Department of the Army, Washington, DC 20310.
- b. Retired Army personnel holding civilian positions within the Department of Defense or the military services are subject to the same controls on their public writing and/or speaking, whether official or unofficial, as other civilian employees.

**4-9. Security Program.** Retired Soldiers have a continuing responsibility to safeguard classified information of which they have knowledge. At the time of retirement, each member having access to classified information is given an oral debriefing and is required to sign a security termination statement. A copy of the signed statement is filed as a permanent record in the individual's personnel folder. A retired Soldier who violates the espionage or internal security laws through unauthorized disclosure is subject to prosecution, fine, imprisonment, or in some cases, death.

#### **4-10. Conversion of Security Clearance.**

- a. Retired Soldiers who are considering employment with a cleared Defense contractor in a position requiring access to classified defense information may find the following of value: the Department of Defense Industrial Security Regulation (DOD 5220.22-R), which contains the provisions for the conversion of security clearances held while on active duty to industrial security clearances.
- b. A request for conversion of a security clearance is honored if submitted within 18 months after retirement for retired military personnel of any grade with 19 or more years of Federal service; and 12 months for military personnel separated or retired from active Federal service.
- c. Contractors employing personnel eligible for conversion of security clearances may request clearances to the level required in the assignment of their duties by submitting one copy of DD Form 398, Personnel Security Questionnaire (available at: <http://www.dtic.mil/whs/directives/infomgt/forms/forminfo/forminfopage90.html>); and a duplicate of your DD Form 214, Certificate of Release or Discharge from Active Duty, to the Defense Industrial Security Clearance Office, PO Box 2499, Columbus, OH 43216. The purpose of the Personnel Security Questionnaire is for identification only, and can be obtained from the employer. All requests for industrial security clearances must be submitted by the employing contractor and not by the individual concerned.

## CHAPTER 5: MILITARY RETIRED PAY AND SPECIAL COMPENSATIONS

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**5-1. Overview.** Military retired pay is NOT a pension, nor is it an annuity. It is not awarded as a vested interest or contractual right. It is reduced compensation for reduced services. Retired pay for length of service ranges from 40 percent to 75 percent of basic pay. Additional information is available from installation Retirement Services Officers (RSO), from the Army's Retirement Services Office Web site, <http://www.armyg1.army.mil/retire>, and from the Defense Finance & Accounting Service Web site, <http://www.dod.mil/dfas>. Several noteworthy special compensations have been approved by Congress over the past several years. They are highlighted in this chapter.

### 5-2. Computation of Retired Pay.

a. There are various provisions of law under which the computation may be made, but retired pay is generally computed either on length of service or on a percentage of disability. If you are retired for disability, you may elect to have your pay computed by either method.

b. The usual formulas for computing retired pay are as follows:

(1) **Final Pay.** Applicable to those who first entered a uniformed service before 8 September 1980. Compute retired pay based on length of service by multiplying the basic monthly pay for the Soldier's retired grade at the time of retirement by the years of creditable active federal service at the rate of 2.5 percent for each whole year of service and 1/12th of 2.5 percent for each whole month of service that is in addition to each year of service.

(2) **"High-36" (or "High-3").** Applicable to those who first entered a uniformed service between 8 September 1980 and 31 July 1986. Compute pay using the formula in paragraph 5-2b(1) except use the average basic pay for your three highest earnings years (i.e., 36 highest months) rather than final basic pay. DFAS-CL will determine the three highest years (i.e., 36 highest months) to be used. They will then calculate the average, and use it in determining retired pay.

**Note:** For those who first became member of a uniformed service before 1 August 1986, compute retired pay based on disability by multiplying the basic monthly pay (or highest 3 years of basic pay) by the percentage of disability, or by using the formula in 5-2b(1) or (2), whichever results in a greater amount.

(3) **"CSB/REDUX".** Applicable to those who first entered a uniformed service on or after 1 August 1986, except those retiring under Chapter 61 of Title 10, United States Code (for disability), and those retiring from the Reserves (eligible for retired pay at age 60). The Soldier electing at year 15 to remain in this retirement plan, will receive a Career Status Bonus (CSB), and have their retired pay calculated by multiplying the average basic pay for the three highest earnings years (or highest 36 months) by 2.5 percent for each year of creditable service, minus one percentage point for each year less than 30 years of service. Cost of Living Adjustments (COLA) are minus 1 percent until age 62, when a one-time recoupment is paid, followed by return to "minus 1 percent" COLAs.

c. Basic monthly pay is the base pay of the grade and rank in which the member was retired or was later advanced to on the retired list.

d. Retired pay may never exceed 75 percent of the basic monthly active duty pay. Soldiers on the Temporary Disability Retired List (TDRL) will receive no less than 50 percent of their basic pay or average high three earnings years. A Soldier may not receive temporary disability retired pay for longer than 5 years from the date the Soldier was placed on the TDRL.

### 5-3. Procedure for Payment.

a. Retired Soldiers, except those recalled to active duty and entitled to active duty pay and

allowances, and those who elect to waive all their pay in favor of VA compensation or civil service annuity, should have their retired pay electronically transferred to their financial institution. It is payable on the first business day of each month. Retired pay is administered by Defense Finance & Accounting Service—Cleveland Center (DFAS-CL).

b. In August 2005, DFAS-CL first offered International Direct Deposit (IDD) to retirees and annuitants residing overseas. They are phasing in full implementation of this process, beginning with offering enrollment in IDD to retirees living in Germany, the United Kingdom, Australia, Canada and France. Phase Two began in mid-March, and extended the IDD benefit to those residing in 38 additional countries. For more information, visit: <http://www.dod.mil/dfas/retiredpay/internationaldirectdepositidd.html>,

c. DFAS-CL will mail a Retiree Account Statement (RAS) when an account is established and then, typically only when a change in retired pay occurs. A SF1099-R is provided each January for retirees' use in filing income tax. DFAS-CL uses a mail center located in London, KY.

d. To make changes in retired pay, DFAS-CL should be advised before the 10th day of the month preceding the month of payment. Changes received after the 10th may not be made until the following month. All change requests must contain the retired Soldier's signature and SSN. Requests for changes can be faxed to DFAS-CL at 1-800-469-6559.

e. Retired Soldiers who waive all retired pay in favor of VA compensation will be paid by VA. Retired Soldiers who waive a part of their retired pay to receive an equal amount of VA compensation will receive monthly payments from both VA and DFAS-CL.

#### **5-4. Method of Payment.**

a. Since October 1, 1990, retiring members have been "strongly encouraged" to receive their retired pay by "direct deposit", also known as Electronic Funds Transfer (EFT), to a financial institution. At retirement, if retired pay will continue to the same financial institution as the active duty pay, a new direct deposit form is not necessary. However, the financial institution's routing number and the individual's account number must be provided to DFAS. Your installation RSO can provide assistance on this.

b. Checks of retired Soldiers residing in certain overseas areas are mailed directly to the individual. For those who do not use direct deposit, if it becomes apparent that a check has been lost, stolen, or destroyed, or if it has not been received within 10 days after the normal delivery date, the retired Soldier should request a "stop payment" of the missing check to DFAS-CL, U.S. Military Retired Pay, PO Box 7130, London, KY 40742-7130; or fax 1-800-469-6559. A delay in the issuance of a substitute check should be anticipated -- another reason that EFT should be used.

#### **5-5. Retired Pay Mailing Address.**

a. Changes of address must be mailed to DFAS, U.S. Military Retired Pay, PO Box 7130, London, KY 40742-7130; or faxed to DFAS-CL at 1-800-469-6559. Notification of address changes must be over the retired Soldier's signature.

b. A request for a change of address or a change in the name of the payee should be received at DFAS-CL on or before the 10th day of the month in order to guarantee "next-month" processing.

c. A request for a change of address must be made even when the retired Soldier is in a non-pay status with DFAS-CL due to waiver of retired pay due to VA or Civil Service, or even if pay is deposited directly into a bank or financial institution. A correspondence address database is maintained by DFAS-CL and is used for their correspondence purposes as well as for mailing of *Army Echoes*.

**5-6. Increases in Retired Pay.** Military retired pay usually receives an annual cost-of-living adjustment (COLA) on 1 December (payable in the January payment). All COLA changes will be reported in *Army Echoes*.

**5-7. Reports of Existence.**

a. For the protection of the government, certain safeguards are required for retired pay checks mailed through the international postal system or payable to legal representatives of mentally incompetent members.

(1) Competent Retired Soldier. When retired paychecks are delivered to the member through the international postal system to foreign countries, the retired Soldier must furnish a Report of Existence (ROE) semi-annually. Checks mailed to an APO, FPO or a finance or disbursing officer at an overseas address do not require submission of a ROE. Checks will not be addressed to a U.S. Consulate, Embassy, or Military Attaché unless the retired Soldier is employed by that particular agency.

(2) Mentally Incompetent Retired Soldier. Numerous Comptroller General of the United States decisions direct the filing of semi-annual ROE cards with DFAS-CL. The retired pay check may be mailed to the legal representative or to a financial institution established by the legal representative for the retired Soldier (ward).

The requirement to provide ROEs can continue, or expand, if there is doubt as to the existence of an individual and it is deemed to be in the best interest of the Government to do so. (NOTE: There is a proposal, this date, at DFAS-CL to expand use of ROEs to include ALL retirees over a specified age. We will use all available means to report movement on this topic should it occur.)

b. The ROE card must be signed and submitted by the retired Soldier or, in the case of an incompetent, by a guardian, conservator, committee, trustee, or legal representative. It may not be signed by a spouse, other members of the household, an individual to whom a power of attorney has been granted, or any other person.

**5-8. Allotments from Retired Pay.**

a. Retired Soldiers are permitted to continue allotments that they had in effect while on active duty except for Combined Federal Campaign pledges, Delta Dental Insurance, SGLI, and deposits in the Veterans Educational Assistance Program (VEAP).

b. Retired Soldiers are authorized a maximum of six (6) discretionary allotments. Examples of discretionary allotments includes premiums for health, auto, or life insurance; voluntary payments to a family member, former spouse or relative; deposits into a financial institution, mutual fund or investment firm; payment of an auto or personal loan, mortgage, rent, or consumer debts.

c. Retired Soldiers are authorized a maximum of nine (9) non-discretionary allotments. Examples of non-discretionary allotments are U.S. Government savings bonds; payment of delinquent federal, state or local taxes; repayment of Army Emergency Relief (AER) and Red Cross loans; any court ordered garnishment; and charitable contributions to the Armed Forces Retirement Home and AER.

**5-9. Deductions from the Retired Pay of Participants in the Survivor Benefit Plan (SBP).**

a. Premium deductions for SBP participation begin on the first day you are eligible for retired pay. The amount of the premium deduction is increased by the cost-of-living adjustment (COLA) applied to retired pay at the same time and by the same percentage. The same COLA is also applied to the SBP benefit received by the annuitant. Premium deductions for SBP participation continue throughout the life of the retired Soldier, except when (as applicable):

(1) An Insurable Interest beneficiary predeceases the retired Soldier; or the retired Soldier elects in writing to terminate such coverage (permitted since Oct. 5, 1994).

- (2) There is no eligible beneficiary.
- (3) The retired Soldier is suffering from a service-connected disability that is rated totally disabling for at least ten continuous years if such rating occurred subsequent to the date of retirement or for at least five continuous years, if awarded immediately upon date of discharge or release from active duty, and the retired Soldier withdraws from SBP with the written consent of the beneficiary.
- (4) The retired Soldier, with spouse concurrence, opts to discontinue SBP participation during the one-year period between the 25<sup>th</sup> and 36<sup>th</sup> month following commencement of retired pay.
- (5) The retired Soldier makes 360 monthly premium payments per category and level of coverage, and reaches age 70. This is known as the “paid-up” provision where SBP premiums cease and an annuity remains payable. In enacting this law in 1998, Congress set the effective date as October 1, 2008.

#### **5-10. Designation of Beneficiary for Final Pay (also known as Arrears of Pay – AOP).**

- a. At retirement, retired Soldiers are given an opportunity to designate a beneficiary to receive their Final Pay, or Arrears of Pay (AOP). This is the amount of monthly retired pay payable between the last pay date and date of death.
- b. The retired Soldier is responsible to keep this beneficiary information updated with DFAS-CL. To change a beneficiary, the retired Soldier must list the beneficiary's complete name, SSN, address, and relationship to the retired Soldier. The statement must be signed and dated by the retired Soldier and include his or her Social Security Number and a witness's signature. If more than one beneficiary is designated, the percentage of unpaid pay and allowances each designated beneficiary is to receive must be shown.
- c. Changes to the AOP beneficiary may be made at any time in writing to DFAS, U.S. Military Retired Pay, PO Box 7130, London, KY 40742-7130; or by FAXing the request to 1-800-469-6559.

#### **5-11. Garnishment of Pay.**

- a. Retired pay may be garnished for enforcement of a retired Soldier's legal obligations to provide child support or make alimony payments. Upon receipt of a valid court order, DFAS-CL may use retired pay that is available, including any allotments from such pay, to satisfy the amount of the writ. The amount of the writ can include all retroactive amounts for which a retired Soldier may be delinquent in child support or alimony payments. DFAS-CL will attempt to notify a retired Soldier of any garnishment against retired pay. Only the retired Soldier's disposable retired pay is subject to garnishment.
- b. Disposable retired pay is defined as gross retired pay less:
  - (1) Amounts owed to the U.S. Government.
  - (2) Federal income taxes required or authorized by law. Additional amounts for tax withholding are considered only when the Soldier submits evidence of the tax obligation.
  - (3) State taxes, under certain conditions.
  - (4) Compensation deductions under Title 5 (Civil Service) or 38 (VA).
  - (5) SBP or RSFPP premium deductions, regardless of the beneficiary.
- c. The garnishment amount is limited to 50 percent of disposable pay if the retired Soldier is supporting a second family, and 60 percent if the retired Soldier is not supporting a second family. When a retired Soldier is more than 12 weeks in arrears for support, the limitation is 55 percent if the retired Soldier is supporting a second family, and 65 percent if the retired Soldier is not supporting a second family.
- d. When DFAS-CL has been served with more than one legal process, money is available on a first-come, first-served basis.



- e. For information on division of retired pay as property in a divorce, see Chapter 12.
- f. VA compensation can be garnished if the retired Soldier waived all or part of their retired pay in order to receive such compensation from VA. All other VA compensation (e.g., pension, payments for service-connected disability, or death) may not be garnished.

## **5-12. Combat-Related Special Compensation (CRSC).**

### **I. Combat-Related Special Compensation (eff. June 1, 2003):**

- a. Effective June 1, 2003, this special compensation is payable to certain combat-related, disabled retired Soldiers.
- b. Eligible members are retired Soldiers who have completed at least 20 years of service for retired pay computation (or equivalent reserve points, 7,200) and who either have at least a 10 percent disability based on combat injuries for which they have been awarded the Purple Heart, or who are rated by the VA as at least 60 percent disabled due to armed conflict, hazardous duty, training exercises, or mishaps involving military equipment.
- c. Payments equal the amount of VA disability compensation for combat-related disabilities, but are reduced for retired Soldiers who retired from the military service under Chapter 61 (disability), whose retired pay exceeds what they would have received for length of service. Payments are limited to the amount of the retired pay reduction resulting from receipt of VA disability compensation. Payments are tax-free.
- d. Members must apply to their own branch of service using DD Form 2860 (available at <https://www.hrc.army.mil/site/crsc/documents/DD2860T.pdf>).
- e. Each Uniformed Service will review the applications of their own retirees. Payments will be retroactive to June 1, 2003 for all approved applications, no matter when received, to the extent otherwise allowed in law, providing the applicant is otherwise qualified.
- f. Service reviews will determine which disabilities, if any, are combat-related or are the result of an injury for which the member was awarded a Purple Heart. Combat-Related includes those disabilities that are the direct result of armed conflict or from conditions that simulate combat, or that result from the performance of uniquely hazardous military duties, or caused by an instrumentality of war.
- g. Services will presume that disabilities awarded VA disability compensation based on service-connected exposure to hazards, which are clearly combat-related, are combat-related for the purpose of CRSC. These include Agent Orange, Gulf War illnesses, Radiation Exposure, Mustard Gas and Lewisite. Post-Traumatic Stress Disorder (PTSD) will require combat-related documentation.
- h. Retired Soldiers will be informed of denied applications and the reason for denial. They may reapply later if they are able to show they meet the program criteria or appeal the decision if they believe their disabilities were combat-related, but were denied compensation by their Service.
- i. Army has established a separate Division that reports to The Adjutant General of the Army, to receive, process and adjudicate all claims. More information is available at: <https://www.hrc.army.mil/site/crsc/>. You may address questions to the CRSC Division by calling 1-866-281-3254; or commercial 703-325-5163.

## **II. Combat-Related Special Compensation (eff. Jan. 1, 2004).**

- a. The 04NDAA expanded the eligibility criteria for CRSC, and by doing so, affected the retroactive dates of payments as follows:
- (1) When a retired Soldier qualifies under the June 1, 2003 criteria, and their combat-related condition existed on that date, payments are retroactive to June 1, 2003.
  - (2) When they qualify based only on the expanded criteria that became effective January 1, 2004, payments are retroactive to January 1, 2004.
- b. January 1, 2004 eligibility criteria changes are:
- (1) The required VA rating for combat-related disabled retired Soldiers is changed from 60 percent to 50 percent, based on armed conflict, hazardous duty, training exercises, or mishaps involving military equipment.
  - (2) A reserve component member must have completed 20 qualifying years of service and be in receipt of retired pay (vice 7,200 points).
- c. When one qualifies under this criteria, payments are retroactive to January 1, 2004.

### **5-13. Special Compensation for the Severely Disabled (SCSD) – void effective Jan 1, 2004.**

Section 658, FY00 National Defense Authorization Act (NDAA), codified in Public Law 106-65, October 5, 1999, provided for payment of a special compensation to qualified retired Soldiers of the Uniformed Services. Benefit criteria was amended effective October 1, 2001, under Section 657 of the FY01 NDAA, Oct. 30, 2000 (P.L. 106-398); and again under Section 641 of the FY02 NDAA, Dec. 28, 2001 (P.L. 107-107). This program was voided in the 04NDAA, effective January 1, 2004.

### **5-14. Concurrent Retirement and Disability Payment (CRDP) Program.**

- a. For more than 100 years, military retirees have been barred from concurrently receiving tax-free VA disability compensation and military retired pay. Instead, VA disability compensation offsets military retired pay dollar-for-dollar.
- b. In the 04NDAA, Congress enacted a so-called Concurrent Receipt “compromise”. It grants payment of full retired pay and full VA disability compensation to some retired Soldiers. Concurrent Retirement and Disability Payments (CRDP) are being phased-in over a period of 10 years beginning January 1, 2004. The cost estimate is \$22B over 10 years.
- c. Eligibility. Military retired Soldiers who: (1) retired for length-of-service, or if retired for disability (Ch. 61), had sufficient service to have retired for length-of-service; and (2) are rated by the VA as at least 50 percent service-connected disabled (“service-connected” does not necessarily mean “combat-connected”).
- d. CRDP’s Phased-In Methodology.
- (1) Beginning January 1, 2004, first-year additional amounts were paid to those rated 50-100 percent VA-rated. The monthly amounts ranged from \$100 (for 50 percent) to \$750 (for 100 percent).
  - (2) Transition Years are 2005-2013. During these years, the amount of military retired pay that is offset by VA disability compensation is replaced at the rate of an approximate additional 10 percent per year.
  - (3) By 2014, this group of retired Soldiers will receive FULL military retired pay and FULL VA disability compensation.

e. A retired Soldier who receives Combat-Related Special Compensation (CRSC) cannot receive both CRSC and CRDP. DOD estimates there will be “hundreds of thousands” of retirees eligible for CRDP.

## CHAPTER 6: TAXATION OF RETIRED PAY

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### 6-1. Withholding Tax Statement.

- a. Retired pay, like other income, is subject to Federal income taxation unless wholly or partially exempted by statute. DFAS-CL computes the amount to be withheld from retired pay and withholds this amount. Every year, no later than the 25th of January, DFAS-CL will send you an Internal Revenue Service (IRS) Form 1099-R which will show all the taxable retired pay paid and the amount of tax withheld during the calendar year.
- b. If retirement is for disability, and all retired pay is tax-free, a IRS Form 1099-R will not be issued. Retired Soldiers are not required to report this tax-free income.
- c. Some retired Soldiers who retired for disability are entitled to claim a sick pay exclusion from their retired pay. The IRS Form 1099-R will not reflect any sick pay exclusion. Individuals must claim the sick pay exclusion themselves on the appropriate line of IRS Form 1040, the "long" form of the U.S. Individual Income Tax Return.
- d. If a retired Soldier is not a citizen of the United States and does not reside in the United States, IRS Form 1099-R will not be furnished. Nonresident alien tax will be withheld from a retired Soldier's retired pay instead, and he or she will be informed at the end of each calendar year as to the amount withheld.
- e. Taxable income from retired pay does not include the amount of SBP deductions. Participants are taxed only on what they actually receive. For example, if a retired Soldier's non-disability retired pay is \$6,000 a year and is reduced by \$700 for SBP, only the reduced retired pay of \$5,300 need be included as taxable income on the federal income tax return. The SBP payable to the designated beneficiary is subject to federal income tax, but is not subject to federal estate tax.
- f. For further details on SBP tax issues, retired Soldiers should consult a legal assistance attorney, a tax counsel, an official of the Internal Revenue Service, or State tax authorities.

### 6-2. Withholding Exemption Certificate.

- a. The amount withheld from retired pay for income tax is determined from a wage bracket withholding table and is based on whether a retired Soldier is married or single and the number of exemptions claimed. If a retired Soldier does not submit a withholding exemption certificate Form W-4 or indicate marital status and the number of exemptions on DD Form 2656, withholding tax will be based on one exemption, as if single. In order to have more tax withheld from retired pay, retired Soldiers may withhold using fewer exemptions, or ask that an additional amount be withheld.
- b. If a retired Soldier or spouse reaches age 65 during the calendar year, or becomes blind, or if there is an increase in the number of dependents, credit may be gained for the additional exemptions by completing a Form W-4 and mailing it to Defense Finance & Accounting Service, U.S. Military Retired Pay, PO Box 7130, London, KY 40742-7130; or by faxing it 1-800-469-6559. IRS Form W-4 may be obtained from any office of the Director of Internal Revenue and most US Post Offices; as well as from the IRS Web site, <http://www.irs.gov>. The IRS requires the filing of a new Form W-4 within 10 days of a decrease in the number of exemptions.

### **6-3. Disability Retired Pay.**

- a. If placed on the Temporary Disability Retired List (TDRL), a retired Soldier will not receive less than 50 percent of their basic monthly pay while on the TDRL.
- b. Either all or a part of disability retirement pay could be exempt from Federal income tax, depending on when the retired Soldier entered active duty, the cause of the disability, and the method elected to compute retired pay.
- c. The Tax Reform Act of 1976 made significant changes with respect to the tax-exempt status of disability retired pay for persons who first entered a uniformed service on or after September 24, 1975. For these persons, retired pay is tax-exempt only if all of it is based on the percentage of disability and the disability is the direct result of one of the following: armed conflict, extra-hazardous service, simulated war, or an instrumentality of war.
- d. For persons who entered a uniformed service on or before September 25, 1975, all retirement pay is tax-exempt if it is all based on a percentage of disability. When retirement pay is based on years of service, the portion of it equal to the amount the person would get if retired pay were computed solely on the basis of disability is tax-exempt. The balance is taxable.

### **6-4. VA Disability Compensation.**

- a. Payment received from VA is tax-exempt, but mere entitlement to the payment will not result in any tax savings until a formal waiver of equivalent retired pay has been executed.
- b. If retired for length of service or age, it may be to a retired Soldier's advantage to waive a part of taxable retired pay in favor of tax-free compensation from VA. This is true also for those who entered a uniformed service on or after September 25, 1975, and retired for disability, since their disability retired pay is taxed. On the other hand, the retired pay of a retired Soldier who entered a uniformed service before September 24, 1975 is not taxable. Therefore, there would be no tax advantage effected by waiving military retired pay unless VA compensation exceeded the portion of the retired pay based on disability. (Go to: <http://www.va.gov>.)

### **6-5. State Taxation of Retired Pay.**

- a. Some States exempt all or a portion of retired pay from income taxation. Some States exempt disability retired pay in the same manner as the Federal Government. In all States, disability payments received from VA and all Social Security payments are exempt from taxation. Few States, if any, permit a retirement income credit of the type granted by the Federal Government.
- b. State income tax, where applicable, is not withheld from retired pay unless a state has entered into an agreement with the Department of Defense to permit finance centers to withhold state income tax. Retired Soldiers who do not currently have state tax withheld from retired pay but would like to may request it from DFAS-CL by a letter over their signature and social security number. The letter must state the amount of tax to be withheld and the state to which it will be paid. The amount must be in even dollar amounts with a minimum requested withholding of \$10. All states that tax retired pay have signed withholding agreements with DFAS-CL to allow the withholding.

**6-6. Further Information.** Determinations in each individual tax case are made by the IRS or tax authorities of the State government concerned. Answers to federal tax questions may be obtained from the District Director of the IRS. Answers to state tax questions may be obtained from appropriate State officials. Tax Information is also available on the Internet: 1) Federal - [www.irs.gov](http://www.irs.gov). 2) State - [www.1040.com](http://www.1040.com).

## CHAPTER 7: MEDICAL CARE

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### 7-1. Uniformed Services Medical Treatment Facilities.

a. Additional information is available at the Army's Retirement Services Web Site <http://www.armyg1.army.mil/retire>; click on the Pre-Retirement Counseling Guide. More detailed information on TRICARE can be obtained from the TRICARE Web Site <http://www.tricare.osd.mil>.

b. Subject to the availability of space and facilities and the capabilities of the medical and dental staffs, retired Soldiers and their eligible family members may receive the following medical and dental care in Uniformed Services Treatment Facilities:

- (1) Hospitalization
- (2) Outpatient care
- (3) Drugs
- (4) Treatment of medical and surgical conditions
- (5) Treatment of nervous, mental, and chronic conditions
- (6) Treatment of contagious diseases
- (7) Physical examinations, including eye examinations, and immunizations
- (8) Maternity and infant care
- (9) Diagnostic tests and services, including laboratory and x-ray examinations
- (10) Dental care
- (11) Ambulance service and home calls when medically necessary
- (12) Durable equipment, such as wheelchairs, iron lungs, and hospital beds may be provided on a loan basis

c. The following care is not authorized:

- (1) Domiciliary or custodial care
- (2) Prosthetic devices, hearing aids, orthopedic footwear, and spectacles, except that --
  - (a) Outside the U.S. and at stations inside the U.S. where adequate civilian facilities are unavailable, such items may be sold to eligible family members at cost to the U.S. and
  - (b) Artificial limbs and artificial eyes may be provided
- (3) The elective correction of minor dermatological blemishes and marks or minor anatomical anomalies

d. For purposes of this chapter, an eligible family member is:

- (1) A spouse
- (2) An un-remarried widow(er)
- (3) An unmarried legitimate child, including an adopted child or a stepchild, who either--
  - (a) Has not passed his or her 21st birthday;
  - (b) Is incapable of self-support because of a mental or physical incapacity that existed before that birthday and is, or was at the time of the retired Soldier's death, dependent on the retired Soldier for over one-half of his or her support; or
  - (c) Has not passed his or her 23rd birthday, is enrolled in a full-time course of study in an institution of higher learning approved by the Secretary of the Army and is, or was at the time of the retired Soldier's death, dependent upon the retired Soldier for over one-half of their support.
- (4) A parent or parent-in-law who is, or was at the time of the retired Soldier's death, dependent on the retired Soldier for over one-half of their support and was residing in the retired Soldier's household;
- (5) The un-remarried former spouse of a retired Soldier who --
  - (a) on the date of the final decree of divorce, had been married to the retired Soldier for a period of at least 20 years during which period the retired Soldier performed at least 20 years of service which is creditable in determining the retired Soldier's eligibility for retired pay, and

- (b) does not have medical coverage under an employer-sponsored health plan;
- (6) A person who --
- (a) is the un-remarried former spouse of a retired Soldier who performed at least 20 years of service which is creditable in determining the retired Soldier's eligibility for retired pay, and on the date of the final decree of divorce or dissolution before 1 April 1985, had been married to the retired Soldier for a period of at least 20 years, at least 15 of which, but less than 20 of which, were during the period the retired Soldier performed service creditable in determining the retired Soldier's eligibility for retired pay, and
- (b) does not have medical coverage under an employer-sponsored health plan; and
- (7) A person who would qualify as an eligible family member under paragraph (6) above but for the fact that the date of the final decree of divorce or dissolution is on or after April 1, 1985, except that the term does not include the person after the end of the one-year period beginning on the date of the final decree.

## 7-2. TRICARE.

- a. Through TRICARE, service families have one of the best health plans anywhere. TRICARE shares most of the costs of care from civilian hospitals and doctors when care cannot be obtained at a military hospital/clinic. There are, however, certain things retired Soldiers need to know about TRICARE.
- b. TRICARE is intended to supplement benefits received from a military hospital or clinic; it does not duplicate those benefits. The most comprehensive and lowest cost care is available from military medical facilities. Also, TRICARE recognizes different categories of eligible persons, for whom available benefits and costs vary.
- c. TRICARE is not free. Retired Soldiers must pay part of their medical costs, as well as the cost of what TRICARE does not cover. However, there is a "catastrophic cap" on allowable charges that an enrollee is responsible for – currently \$3,000 per year.
- d. Because TRICARE does not pay the total cost of civilian medical care, a TRICARE supplement may be advisable. TRICARE supplements may be obtained from most military service associations. Health Benefits Advisors (HBA) have a listing of associations that offer TRICARE supplements.
- e. TRICARE does not cover all health care. There are special rules or limits on certain care, and some care is not covered at all.
- f. TRICARE pays for only medically necessary care and services that are provided at an appropriate level of care. Claims for services that don't meet this definition may be denied (example: using emergency room services for treatment for the patient's convenience, rather than for genuine emergency situations).
- g. All TRICARE-eligible persons must be enrolled in the computerized database, Defense Enrollment Eligibility Reporting System (DEERS), before TRICARE claims can be paid.
- h. Get to know your Health Benefits Advisor (HBA). Your HBA's job is to help you, the user of the military healthcare system, to include retired Soldiers. There's an HBA at each military hospital and at most clinics. Also, HBAs can provide a copy of the latest TRICARE handbook which provides more details about the program. To get in touch with the nearest HBA, call the information number at the local military base or hospital.
- i. Additional information on TRICARE can be obtained online at <http://www.tricare.osd.mil>.

### **7-3. TRICARE for Life.**

a. Medicare-eligible military beneficiaries, who are also TRICARE-eligible, are eligible for TRICARE for Life (TFL). Under TFL, TRICARE acts as a second payer to Medicare. TRICARE beneficiaries must be entitled to Medicare Part A and enrolled in Medicare Part B to be covered under TFL. Under this category, TRICARE/Medicare-eligible beneficiaries are further divided into two categories: beneficiaries age 65 and older and those beneficiaries under age 65. Detailed coverage information on both categories can be found at <http://www.tricare.osd.mil>.

b. Beneficiaries with other health insurance, such as a Medicare supplement or employer-sponsored medical coverage, may use TFL. However, by law, TFL will pay a claim only after all the other health insurances have paid.

c. The TFL contract is a single, nationwide contract for claims processing, customer service and administrative services for individuals who are eligible for both TRICARE and Medicare, regardless of whether they are over or under age 65. The TRICARE Management Activity awarded this contract to Wisconsin Physicians Service (WPS) of Madison, Wisconsin. Beneficiaries may call WPS TRICARE for Life at 1-866-773-0404, for assistance.

### **7-4. TRICARE Retiree Dental Plan.**

a. The current “enhanced” TRICARE Retired Soldier Dental Program (TRDP) began 1 May 2003, and on that date did the following:

(1) raised the annual maximum cap and maximum lifetime orthodontic benefit from \$1000 each to \$1200 each.

(2) capped the \$50 annual deductible per enrollee at \$150 per family.

(3) reduced the mandatory enrollment from 24 to 12 months.

(4) gave newly retired Soldiers 120 days (up from 90) to enroll after their retirement date to avoid the 12-month waiting period.

(5) reduced retired Soldiers’ out-of-pocket expense for dental treatment as follows:

(a) reduced co-pays from 70 percent to 50 percent for crowns, bridges and prosthetic coverage after the 12-month waiting period.

(b) increased the number of network providers to over 67,000 (over 40,000 new locations)

(6) increased premiums only on average 6-11 percent, depending on the number of family members enrolled and the enrollee’s treatment region.

b. Dental Care (OCONUS Retired Soldiers). At this writing, retired Soldier dental coverage is limited to CONUS, Puerto Rico, Guam, the US Virgin Islands, American Samoa, the Commonwealth of Northern Mariana Islands, and Canada. Extending the benefit overseas remains a priority of the Chief of Staff, Army, Retiree Council.

### **7-5. Department of Veterans Affairs (VA) Medical Care.**

a. Additional information is available on the VA Web Site at <http://www.va.gov> and the Army's Retirement Services web site <http://www.armyg1.army.mil/retire> under Pre-Retirement Counseling Guide.

b. Medical Benefits. Retired Soldiers may have dual eligibility for VA medical benefits as a VA beneficiary and as a beneficiary of the Department of Defense. When applying for care at a VA medical facility, a determination is first made on eligibility for care as a VA beneficiary. The following is a description of the eligibility categories for both inpatient and outpatient medical care, nursing home care, and outpatient dental care.

c. Discretionary. If in the discretionary eligibility category, retired Soldiers are eligible for VA medical care as a VA beneficiary only after they agree to make a co-payment. If they do not agree to make a co-payment, VA health care may be offered as a beneficiary of DOD at DOD



expense on a space-available and resource-available basis as determined by the VA facility director. Beneficiaries of DOD, with the exception of those in need of emergency medical services, are required to obtain DOD authorization prior to receiving VA medical care.

d. Hospitalization. Eligibility for VA hospitalization and nursing home care is divided into two categories: mandatory and discretionary. Within these two categories, eligibility assessment procedures based on income levels are used to determine whether non-service-connected veterans are eligible for cost-free VA medical care. These income levels are adjusted on 1 January of each year.

e. Hospital and Nursing Home Care. VA must provide hospital care and may provide nursing home care to veterans in the mandatory category, and may provide hospital and nursing home care to veterans in the discretionary category if space and resources are available in VA facilities.

f. Where to Obtain Care. For veterans in the mandatory category, the law requires VA to provide hospital care at the nearest VA facility capable of furnishing the care in a timely fashion. If no VA facility is available, care must be furnished in a DOD facility or another facility with which VA has a sharing or contractual relationship. If space and resources are available after caring for mandatory category veterans, VA may furnish care to those in the discretionary category. Veterans in the discretionary category must agree to pay VA for their care.

g. Eligibility Assessment Exceptions. Veterans in the mandatory category not subject to the eligibility assessment are service-connected veterans; veterans who were exposed to herbicides while serving in Vietnam or to ionizing radiation during atmospheric testing and in the occupation of Hiroshima and Nagasaki, and need treatment for a condition that might be related to the exposure; former prisoners of war; veterans receiving VA pension; veterans of the Spanish American War, the Mexican Border period or World War I; and veterans eligible for Medicaid.

h. Eligibility Assessment. The following eligibility assessment applies to all other non-service-connected veterans, regardless of age:

(1) MANDATORY: Hospital care is considered mandatory if the patient is among the groups just listed or if the patient's income is below the amount set by VA annually. Hospital care in VA facilities must be provided to veterans in the mandatory category. Nursing home care may be provided in VA facilities, if space and resources are available.

(2) DISCRETIONARY: Hospital care is considered discretionary if the patient is a non-service-connected veteran and income is above the limit set annually by VA. The patient must agree to pay an amount for care equal to what would have been paid under Medicare. The Medicare deductible is adjusted annually. VA may provide hospital, outpatient, and nursing home care in VA facilities to veterans in the discretionary category, if space and resources are available.

i. Cost for Discretionary Care. If the patient's medical care is considered discretionary, VA holds the patient responsible for the cost of care or for a specific amount for the first 90 days of care during any 365-day period. For each additional 90 days of hospital care, the patient is charged half the Medicare deductible. For each 90 days of nursing home care, an amount equal to the Medicare deductible is charged.

j. Additional Charges. In addition to the charges enumerated, the patient will be charged a small fee daily for inpatient hospital care and for nursing home care. The fee is based on the Medicare deductible and is adjusted annually.

k. VA Outpatient Care Eligibility. While most veterans must be enrolled to receive VA health care, some veterans are exempt from the enrollment requirement due to meeting special eligibility criteria. Veterans do not have to enroll if: (1) they are seeking care for a VA-rated service-connected disability; (2) they have a VA service-connected disability of 50 percent or more; (3) less than one year has passed since they were discharged for a disability that the military determined was incurred or aggravated in the line of duty, but that VA has not yet rated. To

permit better planning of health resources, however, these three categories of veterans also are urged to enroll.

Once a veteran applies for enrollment, the application eligibility will be verified. Based on the specific eligibility status, a priority group is assigned. There are eight priority groups ranging from 1 through 8 with 1 being the highest priority for enrollment. Under the Uniform Benefits Package, the same services are generally available to all enrolled veterans. The priority groups are:

**Priority Group 1:** Veterans with any degree of service-connected disability (for treatment of that disability).

**Note:** This priority group covers both hospitalization and outpatient care. In the event the VA cannot schedule the veteran for an appointment within 30 days, an appointment will be scheduled at another VA facility, or at a facility under contract in the private sector. However, this priority does NOT apply to a service-connected veteran seeking care for a medical problem that is not service-connected.

**Priority Group 2:** Veterans with service-connected disabilities rated 30 percent or 40 percent disabling.

**Priority Group 3:** Veterans who are former POWs; Veterans awarded the Purple Heart; Veterans whose discharge was for a disability that was incurred or aggravated in the line of duty; Veterans with service-connected disabilities rated 10 percent or 20 percent disabling; Veterans awarded special eligibility classification under "benefits for individuals disabled by treatment or vocational rehabilitation".

**Priority Group 4:** Veterans who are receiving aid and attendance or housebound benefits; Veterans who have been determined by VA to be catastrophically disabled.

**Priority Group 5:** Non-service-connected veterans and non-compensable service-connected veterans rated zero percent disabled whose annual income and net worth are below the established VA Means Test thresholds; Veterans receiving VA pension benefits; Veterans eligible for Medicaid benefits.

**Priority Group 6:** Compensable zero percent service-connected veterans; World War I veterans; Mexican Border War veterans; Veterans seeking care solely for disorders associated with: exposure to herbicides while serving in Vietnam; or exposure to ionizing radiation during atmospheric testing or during the occupation of Hiroshima and Nagasaki; or for disorders associated with service in the Gulf War; or for any illness associated with service in combat in a war after the Gulf War or during a period of hostility after November 11, 1998.

**Priority Group 7:** Veterans who agree to pay specified co-payments with income and/or net worth above the VA Means Test threshold and income below the geographically-based threshold for their locality; Subpriority a: Non-compensable zero percent service-connected veterans who were enrolled in the VA health care system on a specified date and who have remained enrolled since that date; Subpriority c: Non-service-connected veterans who were enrolled in the VA health care system on a specified date and who have remained enrolled since that date; Subpriority e: Non-compensable zero percent service-connected veterans not included in Subpriority a above; Subpriority g: Non-service-connected veterans not included in Subpriority c above.

**Priority Group 8:** Veterans who agree to pay specified co-payments with income and/or net worth above the VA Means Test threshold and income above the geographically-based threshold for their locality; Subpriority a: Non-compensable zero percent service-connected veterans enrolled as of January 16, 2003 and who have remained enrolled since that date; Subpriority c: Non-service-connected veterans enrolled as of January 16, 2003 and who have remained enrolled since that date; Subpriority e: Non-compensable zero percent service-connected veterans applying for enrollment after January 16, 2003; Subpriority g: Non-service-connected veterans applying for enrollment after January 16, 2003.

I. Prescription Medication. Veterans receiving medications on an outpatient basis from VA facilities, for the treatment of a non-service-connected disability or condition, are required to make a co-payment for each 30-day or less supply of medication provided. Veterans receiving medications for treatment of a service-connected condition and veterans rated 50 percent or more service-connected are exempt from the co-payment requirement for medications.

m. Dental Care.

(1) Outpatient dental treatment begins with an examination and may include the full spectrum of diagnostic, surgical, restorative, and preventive techniques. The following veterans may receive care:

- 1 - Veterans having service-connected and compensable dental disabilities or conditions.
- 2 - Former prisoners of war.
- 3 - Veterans with service-connected, non-compensable dental conditions as a result of combat wounds or service injuries.
- 4 - Veterans with non-service-connected dental conditions determined by VA to be aggravating a medical problem.
- 5 - Veterans having service-connected conditions rated as permanently and totally disabling.
- 6 - Veterans participating in a vocational rehabilitation program.
- 7 - Certain homeless veterans.

(2) Veterans may receive one-time dental treatment for service-connected and non-compensable dental disabilities or conditions if the following conditions are met:

- 1 - the dental condition can be shown to have existed at time of discharge
- 2 - the veteran served on active military duty for at least 180 days (or 90 days during Gulf War Era)
- 3 - the veteran applied to the VA for dental care within 90 days of discharge or release from active duty, and the certificate of discharge (DD Form 214) does not include certification that all appropriate dental treatment had been rendered prior to discharge.

n. Agent Orange and Vietnam Veterans. The following are the diseases which VA currently presumes resulted from exposure to herbicides like Agent Orange. The law requires that some of these diseases be at least 10 percent disabling under VA's rating regulations within a deadline that began to run the day you left Vietnam. If there is a deadline, it is listed in parentheses after the name of the disease.

- (1) Chloracne, or other acneform disease consistent with chloracne (Must occur within one year of exposure to Agent Orange)
  - (2) Hodgkin's disease
  - (3) Multiple myeloma
  - (4) Non-Hodgkin's lymphoma
  - (5) Acute and subacute peripheral neuropathy
  - (6) Porphyria cutanea tarda (Must occur within one year of exposure to Agent Orange.)
  - (7) Respiratory cancers (i.e., lung, bronchus, larynx, or trachea)
  - (8) Soft-tissue sarcoma (i.e., other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma.)
  - (9) Effective September 17, 2003: Cirrhosis of the liver, for POWs interned for at least 30 days
- Veterans with questions may call the VA's toll-free helpline at: 1-800-749-8387, or visit the VA web site at <http://www.va.gov>

o. How Income Is Assessed. The patient's total income under the eligibility assessment includes: Social Security, U.S. Civil Service retirement, U.S. Railroad retirement, military retirement, unemployment insurance, any other retirement income, total wages from all employers, interest and dividends, workers' compensation, black lung benefits, and any other gross income for the calendar year prior to application for care. The income of a spouse or dependents as well as the market value of stocks, bonds, notes, individual retirement accounts, bank deposits, savings accounts, and cash are also considered. Debts are subtracted from the patient's assets to determine net worth. The patient's primary residence and personal property, however, are excluded. The patient is not required to provide proof of income or net worth at the time care is requested. VA has the authority to compare information provided with information obtained from the Department of Health and Human Services and the Internal Revenue Service.

p. Medical Care Cost Recovery. All veterans applying for medical care at a VA facility will be asked if they have medical insurance. VA is authorized by law to bill insurance companies for the cost of medical care furnished to veterans, including service-connected veterans, for non-service-

connected conditions covered by health insurance policies. VA is required to determine if the cost of the medical care can be recovered from companies providing group or individual health insurance. A veteran may be covered by such a policy or be covered as an eligible dependent on a spouse's policy. VA is no different than other health-care providers who need insurance information. To collect benefits covered by health insurance, VA must obtain the information that appears on the health insurance identification card. Veterans are not responsible and will not be charged by VA for any charge required by their health insurance policies.

q. Additional information on VA benefits and health care is available online at <http://www.va.gov>.

## **7-6. Social Security Medicare.**

a. Medicare is a health insurance program for people 65 or older, certain disabled people under 65, and people of any age who have permanent kidney failure. It provides basic protection against the cost of health care, but it doesn't cover all medical expenses.

b. TRICARE. TRICARE coverage stops when a person becomes eligible for Medicare. An exception is made for the person under 65 who becomes eligible for Social Security disability (except for kidney failure). TRICARE acts as a second payer in these cases.

c. Two Parts of Medicare. Medicare is composed of two parts: hospital insurance (also called Part A Medicare), which is financed by part of the payroll (FICA) tax that also pays for Social Security; and Medical insurance (also called Part B Medicare), which is financed by monthly premiums paid by beneficiaries who choose to enroll.

d. Hospital Insurance. Hospital insurance can help pay for inpatient hospital care, inpatient care in a skilled nursing facility, home health care, and hospice care. Some people have to apply for hospital insurance. For others, it starts automatically. If a person is receiving Social Security benefit payments when you turn 65, hospital insurance is automatic. If one is not receiving Social Security payments at 65, they should contact their Social Security office no earlier than 3 months prior to their 65th birthday. Most people 65 or older are eligible for Medicare Hospital Insurance based on their own or their spouse's employment. Before age 65, a person is eligible for Medical hospital insurance if they have been getting Social Security disability benefits for 24 months, or have worked long enough and meet the requirements of the Social Security disability program. Under certain conditions, a spouse, a divorced spouse, a widow(er), or a dependent parent may be eligible for hospital insurance when he or she turns 65, based on their spouse or former spouse's work record. Also, disabled widow(er)s under 65, disabled divorced widow(er)s under 65, and disabled children may be eligible for Medicare.

e. Medicare Insurance. Medicare medical insurance helps pay for doctor's services and many other medical services and supplies that are not covered by the hospital insurance part of Medicare, including outpatient surgery. Many of the services needed by people with permanent kidney failure are covered only by the medical insurance part of Medicare. In most cases, if a person does not sign up for medical insurance during the initial enrollment period, their monthly premium will increase 10 percent for each year they delay enrollment. Then, a person may only sign up between January 1 and March 31 annually, and their coverage will not begin until the following July. Almost anyone who is 65 or older--or who is under 65 but eligible for hospital insurance--can enroll in Medicare medical insurance by paying a monthly premium. A person does not need any Social Security or work credits to get this part of Medicare. Aliens 65 or older who are not eligible for hospital insurance must be lawfully-admitted permanent residents and must live in the U.S for 5 years before they can enroll in medical insurance.

f. Other Health Insurance. Medicare provides basic health care coverage, but it does not pay medical expenses, and it does not pay for most long-term care. For this reason, many private insurance companies sell insurance to fill in the gaps in Medicare coverage. This kind of

insurance is often called Medigap for short. For more information on Social Security Medicare and Medigap insurance, contact Social Security, toll-free 1-800-772-1213, or visit your I

g. Additional information on Social Security and Medicare can be obtained on the Internet at <http://www.ssa.gov>, and on the Army Retirement Services web site <http://www.armyg1.army.mil/retire> (in the Pre-Retirement Counseling Guide).

## CHAPTER 8: BURIAL AND MILITARY HONORS

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**8-1. General.** In general, retired Soldiers are not authorized mortuary benefits at Government expense by virtue of their retired status. They may, however, be authorized certain benefits due to another status. For example, a retired Soldier employed as a Department of the Army civilian (DAC) could qualify for preparation of remains and shipment of remains from overseas by military aircraft. Military service could qualify a retired Soldier for burial in a government cemetery, a grave marker, and burial honors.

### **8-2. Mortuary Benefits.**

a. Retired Soldiers are not eligible for the full range of mortuary benefits at government expense unless, while on active duty for a period of more than 30 days, they become an inpatient in a U.S. government hospital, are retired while an inpatient, and die before being discharged from the hospital.

b. Retired Soldiers who retire under circumstances other than in a above are not entitled to mortuary benefits at government expense by virtue of their retired status

c. Retired Soldiers and their eligible family members who die outside the United States may be eligible for preparation of remains on a reimbursable basis for a nominal fee in an Armed Services mortuary if such services are available at the place of death and are requested by the U.S. Department of State.

### **8-3. VA Burial Benefits.**

a. VA will provide headstones or markers to memorialize veterans or mark the graves of veterans buried in national, state, or private cemeteries as well as those whose remains have not been recovered or identified. This includes those buried at sea, those remains donated to science, and those cremated and whose cremated remains were scattered without burying any portion of them. VA will also provide markers for eligible family members interred in a national or State Veteran's Cemetery. When interment is in a private cemetery, the cemetery may require, and charge for, a foundation for the marker and installation of the marker. Such costs must be paid from private funds.

b. VA may provide \$300 toward the burial expenses of retired Soldiers who are eligible for VA pension or compensation and for those who die in VA medical facilities. An additional \$150 gravesite or interment allowance may be paid if a retired Soldier served during a war period and is not buried in a national cemetery or other Government cemetery.

c. If a retired Soldier's death is deemed to be service-connected, VA will pay an amount not to exceed \$1,500 in lieu of the usual burial and gravesite allowance.

d. The VA will provide an American flag, upon request, for covering the casket; and a memorial certificate, bearing the President's signature, expressing our Nation's grateful recognition of the deceased veteran's service.

e. In addition to VA burial benefits, the surviving spouse or eligible child of a retired Soldier may be eligible for a \$255 lump-sum death benefit from Social Security. Local Social Security Offices have details.

f. For more information on VA burial benefits, contact any VA office (1-800-827-1000) or national cemetery; or visit the following Web site: <http://www.cem.va.gov/>

#### **8-4. Burial in Arlington National Cemetery.**

a. Retired Soldiers are eligible for burial in Arlington National Cemetery (ANC) and inurnment (for cremated remains) in the ANC Columbarium, and the few Army post cemeteries where grave space is available. Their surviving spouses, minor children, and certain unmarried adult children are eligible for interment in the same grave.

b. A surviving spouse and eligible children who predecease the retired Soldier may be interred in ANC or a post cemetery provided the retired Soldier, before the family member's burial, signs an agreement to be buried in the same grave. Eligible children are defined as those who are unmarried and under age 21 or, if 21 or older and incapable of self-support because of a mental or physical disability, are dependent upon the retired Soldier for more than one-half of their support. Approval authority for the burial of non-eligible adult children in ANC and Army post cemeteries is the Secretary of the Army. Requests for an exception to policy for burial in ANC should be submitted to: Director, Arlington National Cemetery, Arlington, VA 22211. Requests for exceptions to policy for burial in Army post cemeteries should be submitted to: Director, Casualty and Memorial Affairs Operations Center, ATTN: TAPC-PED-A, Alexandria, VA 22331-0482.

c. Assignment of space. One grave is authorized for the interment of a retired Soldier and his or her eligible family members. A gravesite will be assigned at the time a request for interment is received. Gravesites may not be reserved in advance of the initial interment.

d. Arrangements for interment. As soon as possible after a retired Soldier's death, the person making arrangements for the interment (usually the funeral director) should contact the Office of the Director of ANC or the superintendent of the post cemetery where interment is desired. When a request for interment is received, a tentative date and time are scheduled pending verification from official records of the decedent's entitlement to burial. The funeral director or family member will be notified as soon as eligibility for burial is confirmed. The remains are not to be shipped to the cemetery until eligibility for burial is confirmed.

e. Cremated remains. Cremated remains may be taken directly to the cemetery, or they may be shipped via the U.S. Postal Service or air express to the Superintendent, ANC, Arlington, VA 22211. If sent by air express, the funeral director or family member must arrange for pickup and delivery to the cemetery. If sent by mail, consult the post office for best parcel post method of delivery.

f. Cost. There is no charge for a niche in the Columbarium or for the inscribed marble plaque with which each niche is sealed. Also, there is no charge for a grave in ANC or Army post cemeteries, for opening and closing the grave, or for a government headstone or marker, or installation of the marker. Other disposition of remains expenses, including preparation of the remains, a casket or urn, an outer shipping container, and/or burial vault, services of a funeral director, and transportation of remains to the cemetery are the responsibility of the family or other party that secured funeral services.

g. Additional information concerning burial at ANC may be obtained by writing to Superintendent, Arlington National Cemetery, Arlington, VA 22211; or by calling (703)607-8000; or visit the following Web site: <http://www.cem.va.gov/arlington.htm>.

**8-5. Burial in Other National Cemeteries.** VA has responsibility for the National Cemetery system, except Arlington National Cemetery and the Armed Forces Retirement Home. Contact the VA at 1-800-827-1000 for more information; or go online to: <http://www.cem.va.gov/nmc.htm>

## **8-6. Military Honors.**

a. Retired Soldiers are provided full military honors, resources permitting. If resources are not available, two Soldiers will provide a flag folding ceremony and presentation of the interment flag to the retiree's next of kin. The ultimate decision on the level of support provided is made by the Installation commander having responsibility for the geographical area in which the deceased retiree is being buried. The intent of Army policy is for commanders to provide maximum support possible taking into consideration competing mission requirements or training priorities, availability of trained personnel, distance to be traveled, available funds, and time to respond.

b. The capability of the commander to provide full funeral support is, to a great extent, determined by the assigned strength of the activities from which funeral details will be drawn and the size of the retired Soldier population in the geographical area of responsibility. Installations with small active contingents serving large retired Soldier populations are finding it difficult to provide even the minimal support of an officer or enlisted representative. As the retired Soldier population increases, and the size of the active force decreases, the availability of funeral details, even at larger installations, will decrease.

**8-7. Additional Information.** Go to: <https://www.hrc.army.mil/site/active/tagd/cmaoc/cmaoc.htm>



## CHAPTER 9: SURVIVOR ASSISTANCE

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### 9-1. Overview.

- a. This section will suggest some of the things retired Soldiers can do now to help their families prepare for the future. It will also summarize the major benefits to which the surviving spouses and, in some cases, the children or parents of retired Soldiers may be entitled.
- b. In planning for the future, it is important to remember that retired pay stops when the retired Soldier dies unless the retired Soldier elected to participate in the Survivor Benefit Plan (SBP), or if retired before 21 Sep 1972, the Retired Serviceman's Family Protection Plan (RSFPP).
- c. Retired Soldiers are responsible for making sure their families understand that applications must always be made to the appropriate government agencies before survivor benefits can be paid. It is also a retired Soldier's responsibility to advise their families to file applications for any benefits for which they might be eligible. The federal government does not typically seek out eligible parties.

### 9-2. Preparing a Will.

- a. One of the first steps that should be taken is to make a will which expresses the distribution of an estate. A ready-made will or copied form should not be used. Each will should be prepared by an attorney or a military legal assistance attorney. It is wise to have witnesses who live in the community and whose addresses are fairly permanent. An executor should be chosen who would be available to administer the estate and who qualifies under the applicable state laws.
- b. A will should be kept in a safe, known, and easily accessible place. The Department of the Army does not maintain a repository for wills. Estates can be settled faster if the will is retained locally.

### 9-3. Personal Affairs.

- a. The lack of knowledge of a deceased retired Soldier's personal affairs may result in considerable inconvenience and even a loss of benefits to survivors. To minimize difficulties, keep a list of assets and the location of documents which will be needed to apply for them. A form is provided for you use at: [http://www.armyg1.army.mil/Directorates/retire/retiredSoldier\\_information/CasualtyAssistanceChecklist.doc](http://www.armyg1.army.mil/Directorates/retire/retiredSoldier_information/CasualtyAssistanceChecklist.doc)
- b. There are various papers and documents which should be readily accessible to the next of kin at the time of death. These include the will, life insurance policies, bank books, stocks and bonds, deeds to property, Social Security card, birth certificates, most recent retired pay statement, and DD Form 214 (and DD 215-correction, if applicable), and if a reserve retired Soldier, the "Notification of Eligibility for Retired Pay" letter (aka "20-year letter").
- c. It is important for the surviving spouse of a retired Soldier to possess proof of marriage when applying for compensation or pension from VA or Social Security, as well as for other benefits. Equally important is proof of termination of any other marriages by the retired Soldier or spouse.

### 9-4. Army Assistance to Survivors.

- a. If a surviving spouse has an immediate (or later) need for financial assistance, application may be made at the nearest Army Emergency Relief (AER) office (AER offices are located at most Army installations); at a local American Red Cross (ARC) chapter; or directly to HQS, AER, Department of the Army, 200 Stovall Street, Alexandria, VA 22332.

- b. If the deceased retired Soldier was receiving compensation or pension from the VA, notify the VA by calling 1-800-827-1000.
- c. If the deceased retired Soldier held a VA life insurance policy, report the death to the Veterans Group Life Insurance (VGLI) Office by calling 1-800-832-4943.
- d. If the deceased retired Soldier was in receipt of Social Security benefits, report the death to the Social Security Administration (SSA) by calling 1-800-772-1213.

**9-5. Other Assistance to Survivors.** Most military service and veterans organizations stand ready to provide advice and assistance to a military retired Soldier's survivors.

## CHAPTER 10: SURVIVOR BENEFITS

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### 10-1. Final Pay, or Arrears of Pay (AOP).

- a. The entitlement to retired pay ceases immediately on the date of a retired Soldier's death. Eligibility to receive any portion of retired pay passes to a survivor only if the retired Soldier elected to receive reduced retired pay during his/her lifetime to provide this benefit. (See 10-2 for details on the Survivor Benefit Plan (SBP)). The person the retired Soldier designates as the beneficiary for Arrears of Pay (AOP) is eligible only for a one-time payment which represents the retired pay due the member from the first of the month to and including the date of death. The Defense Finance & Accounting Service – Cleveland Center (DFAS-CL) will notify the financial institution where the retired check was sent to return the full amount of any retired pay deposited through Electronic Funds Transfer (EFT) after the retired Soldier's death. To ensure that the final retired pay check is returned if already sent by DFAS-CL, the surviving family members should also notify the bank, instructing them to return the final retired pay. The beneficiary should then apply for AOP, using DD Form 1174 which is sent to the beneficiary on record by DFAS-CL. Proof of death must accompany the completed application when it is mailed to: DFAS, U.S. Military Retired Pay, PO Box 7130, London, KY 40742-7130; or FAXed to: 1-800-469-6559.
- b. Retired pay checks which were sent by mail to a financial institution or directly to the retired Soldier, and which were not negotiated by the retired Soldier before his/her death, must be returned to DFAS-CL. Upon receipt of a completed application for AOP, DFAS-CL will send the portion of the final month's pay rightfully accruing to the deceased retired Soldier's account to the beneficiary of record.

### 10-2. Survivor Benefit Plan (SBP).

- a. SBP allows retired Soldiers to provide an annuity to certain designated survivors (spouse, spouse and child, child, former spouse, former spouse and child, or person with an insurable interest).
- b. Soldiers are automatically covered by SBP, at no cost, during their entire active duty career. SBP would provide an annuity of 55 percent of what the retired pay would be as of the date of the Soldier's death on active duty. At retirement time, Soldiers must elect in writing to continue SBP coverage fully, to reduce it, or to decline it. They are permitted to terminate their coverage (with spouse concurrence) between months 25 and 36 following retirement. Otherwise, elections are considered generally permanent and irrevocable.
- c. Certain SBP elections made by a married Soldier require a spouse's written concurrence, by law. They are: 1) less than full spouse coverage; 2) child only coverage; or (3) decline spouse coverage. Without spouse concurrence, automatic full spouse coverage is elected by the government. Married Soldiers who decline coverage for a category of beneficiary available to them at retirement may not elect to enroll that category after retirement. For example, if there is an eligible child at retirement, and child coverage is declined, and after retirement the Soldier wishes to enroll a child, he/she may not. If a Soldier is unmarried at time of retirement, their SBP election option remains open until they gain a spouse or child beneficiary, after which a written request to enroll is required at DFAS-CL within one year.
- d. Since total loss of retired pay into a military retired Soldier's household can be devastating, careful consideration should be given to participation in the Plan as an important aspect of estate planning. Prospective retired Soldiers should thoroughly study the plan, discuss it with their spouses, and seek individual counseling from an installation Army Retirement Services Officer (RSO). The Soldier shares responsibility for obtaining adequate information and counseling to facilitate an informed decision before retirement. In-depth SBP information is available at: <http://www.armyg1.army.mil/rso/sbp.asp>

- e. Certificate of Eligibility (COE) and Report of Existence (ROE).
- (1) The COE validates continued eligibility of annuitants, whether eligible spouse, former spouse, or children, to receive payments from DFAS-CL.
  - (2) Frequency of requests:
    - (*Annually*) Each year the eligible spouse, former spouse, or custodian or legal fiduciary for a minor child must submit a COE to DFAS-Cleveland Center.
    - (*Biennially*) Every 2 years a medical certification must be submitted to DFAS-CL for an incapacitated child over 18 years of age, unless medical prognosis indicates the disability is permanent.
    - (*Other*) A student between the ages of 18 and 22 must submit evidence of intent to continue study or training at a recognized educational institution. The certificate is required for the school semester or other period in which the school year is divided.
  - (3) Failure to furnish a COE results in suspense of annuity payments. Payments are restarted only after receiving satisfactory proof of eligibility.
  - (4) The ROE is required semi-annually from the following: (a) an annuitant who receives payment through foreign postal channels. (b) A mentally incompetent annuitant who receives payments through a third party. (c) An annuitant whose payments are sent to a third party, other than a financial institution for negotiation under a power of attorney.
  - (5) The ROE can, under no circumstances, be signed by other than the annuitant, custodian, or legal fiduciary.

### 10-3. Annuities for Certain Military Surviving Spouses.

- a. Per Public Laws (P.L.) 105-85, November 18, 1997; amended by P.L. 106-65, October 5, 1999, certain widow(er)s of military retired Soldiers are eligible to receive a monthly payment of \$165 (since increased by Cost-of-Living Adjustments, COLA). The acronym for the program is ACMSS. It is commonly referred to as the "Forgotten Widows" benefit.
- b. Background. Congress determined that this payment was necessary to compensate surviving spouses of military retired Soldiers who died before the creation of the Survivor Benefit Plan (SBP), or the Reserve Component SBP (RC-SBP).
- c. Qualifications:
  - Under the November 18, 1997 law:
    - (1) A surviving spouse of a retired member who died before March 21, 1974 (the end date of the initial, 18-month SBP Open Enrollment Season which was created on September 21, 1972), and who was in receipt of retired pay at the time of death; and
    - (2) A surviving spouse of a qualified reserve member (i.e., "qualified" is one who had completed 20 qualifying years of service) but was not yet age 60 and in receipt of retired pay. This member must have died between September 21, 1972 and October 1, 1978 (date RC-SBP was created).
  - Under the October 5, 1999 law:
    - (1) Dates of death for reserve members were expanded to include deaths that occurred *anytime* before October 1, 1978.
- d. Effect of second law on retroactivity of annuity. If provisions of the second law gave rise to the surviving spouse's qualification, that law's date of (Oct. 5, 1999) is the retroactive date of the annuity payments owed to the qualified applicant.
- e. Effect of Barring Act on retroactive payments. The government will not pay (by law) an amount otherwise owed beyond six years (known as the "Barring Act"). At the date of this writing (February 04), the program is more than six years old, so an applicant now applying and meeting the qualifications set by the first law (effective December 1, 1997) is limited to receiving payments retroactive ONLY from the date of the ACMSS application.

f. Disqualifiers. The following conditions make an applicant ineligible for ACMSS:

- Remarriage ever (even if currently un-remarried);
- Receipt of Dependency & Indemnity Compensation (DIC) from the VA;
- Receipt of Retired Servicemen's Family Protection Plan (RSFPP) from DOD; or
- Receipt of Minimum Income Widow (MIW) payments from DOD.

g. Application Process. The application (DD Form 2769) is available on-line at <http://web1.whs.osd.mil/forms/DD2769.pdf> or from an Army Retirement Services Officer (RSO).

h. Approval Authority. The Chief, Army Retirement Services is the Secretarial Designee to approve applications from Army surviving spouses. If the application is approved, it is forwarded for payment to DFAS-CL. Whether approved or disapproved, the applicant is notified of the disposition, and documents are returned.

i. Annuity Amount. ACMSS annuities are increased annually by federal Cost-of-Living Adjustments (COLA). The initial December 1, 1997 annuity amount was \$165/month. It has increased each year, and as of December 1, 2005, is \$205.61.

j. Additional information is available at:

[http://www.armyg1.army.mil/RSO/annuities/FactSheet\\_ACMSS.doc](http://www.armyg1.army.mil/RSO/annuities/FactSheet_ACMSS.doc)

#### **10-4. Death Gratuity.**

a. A tax-free, lump-sum death gratuity payment (currently \$100,000) is made to survivors of retired Soldiers when death occurs during the 120-day period immediately following retirement. DFAS-CL issues this payment only if the VA determines the death was caused by an illness or injury incurred while the retired Soldier was on active duty. Visit the Web site below to find details on what status the term "active duty" encompasses on this topic.

b. The death gratuity payment is made to survivors of the deceased in this order: 1) the member's lawful surviving spouse; 2) if there is no spouse, to the child(ren), regardless of age or marital status, in equal shares (state laws guide payment to minor children); or 3) if none of the above, to the parents, or brothers/sisters, or any combination as designated by the deceased member. The death gratuity is not paid to any other person when there are no survivors as listed in this paragraph.

c. The claim form required to apply for this benefit is DD Form 397, Claim Certification and Voucher for Death Gratuity Payment. Find it online at:

<http://www.dtic.mil/whs/directives/infomgt/forms/forminfo/forminfopage89.html>

d. Additional information on this topic is at:

<https://www.hrc.army.mil/site/active/TAGD/CMAOC/BenefitsEntitlements/benefitDG.htm>

**10-5. Government Insurance.** If the retired Soldier had National Service Life Insurance (NSLI) or US Government Life Insurance (USGLI) at the time of death, VA will provide the beneficiary with the necessary forms and instructions for making application for insurance payments. Survivors who believe they are insurance beneficiaries but who do not receive application forms and instructions should request them from the nearest VA regional office or from the Veterans Administration Center, PO Box 8079, Philadelphia, PA 19101. Identification of government insurance policies by number will expedite payment of claims.

#### **10-6. Dependency and Indemnity Compensation (DIC).**

a. Dependency and Indemnity Compensation (DIC) is payable by the VA to certain survivors of retired Soldiers whose death is determined to be the result of a service-connected disability. In order for DIC to be payable, the retired Soldier's death must result from --

- (1) Disease or injury incurred or aggravated in the line of duty while on active duty or active duty for training; or
- (2) Injury incurred or aggravated in the line of duty while on Inactive Duty for Training (IDT) status.

b. Authorized Beneficiaries. DIC is authorized for surviving spouses and unmarried children under age 18 (as well as those between 18 and 23 if attending a VA-approved school) of certain veterans who were totally service-connected disabled at time of death and whose death was not necessarily the result of a service-connected disability, **if --**

(1) The veteran was so rated for a period of not less than 5 years if awarded immediately upon last discharge from military service.

(2) The veteran was continuously rated totally disabled for a period of 10 or more years, if not awarded immediately upon retirement; or

In the case of a surviving spouse of a veteran/retired Soldier, the marriage to the veteran must have been in effect at least one year immediately preceding the death of the veteran. (Note: There is no length-of-marriage requirement in active duty deaths.)

c. Other Benefits. DIC payments are tax-free and not subject to seizure by creditors of either the retired Soldier or the beneficiary. DIC receipt has no relation to a family member's receipt of Social Security benefits. However, the surviving spouse's SBP annuity will be reduced by the dollar amount of the DIC payment.

d. Spouse Payment. VA will make monthly DIC payments to the eligible surviving spouse of a retired Soldier whose cause of death is determined to be service-connected. Payments are made in addition to any other income received by the surviving spouse, but offset the spouse SBP entitlement dollar-for-dollar. Only the SBP amount above the DIC amount is payable to the surviving spouses. In 2006, DIC is \$1,033/month (for deaths occurring on or after January 1, 1993). For example, if the SBP entitlement is \$1,000, the SBP payable is \$33. The advantage to receiving DIC payments is that they are tax-free. A more in-depth breakout of amounts payable are found at: <http://www.vba.va.gov/bln/21/rates/comp03.htm#BM07>.

e. Child Payment. The DIC award will be increased for each child under age 18, and for each child over 18 who became permanently incapable of self-support before reaching age 18. In 2006, the child amount is \$257/month; this amount is increased each December 1 by the percentage of the retired Soldier cost-of-living adjustment (COLA). A more in-depth breakout of amounts payable are found at: <http://www.vba.va.gov/bln/21/rates/comp03.htm#BM07>.

f. Surviving Spouse Remarriage. DIC payments terminate if the surviving spouse remarries before age 57 (law change effective December 16, 2003). DIC eligibility can be restored if the subsequent marriage is dissolved by death or divorce.

g. Child Eligibility. If there is no surviving spouse entitled to DIC it may be paid to the children of a retired Soldier meeting the conditions outlined above. To be eligible for DIC payments, a child must be --

(1) unmarried;

(2) under the age of 18 (unless permanently incapable of self-support before age 18 or 23);

(3) pursuing a full-time course of instruction at an approved educational institution.

A child who qualifies in this category may continue to receive compensation payments until he or she reaches age 23, terminates education, or marries, whichever occurs first.

h. Adopted and Step-Children. A legally adopted child or a step-child also may qualify for DIC.

i. Parent or Parent-in-Law. DIC may be paid to a parent/parents of a active or retired Soldier whose death is the result of a service-connected disability regardless of whether a surviving spouse or child is also being compensated. The term "parent" includes father, mother, father by

adoption, mother by adoption, or the person who last stood in loco parentis to the deceased member before his/ her entry into the service. This payment is based on their annual income.

j. Aid and Attendance. Surviving spouses and parents who qualify for DIC may be granted a special allowance for aid and attendance if they are patients in a nursing home, helpless or blind, or so nearly helpless or blind as to require the regular aid and attendance of another person.

j. Housebound Allowance. Surviving spouses who qualify for DIC who are not so disabled as to require the regular aid and attendance of another person but who, due to disability, are permanently housebound, may be granted a special monthly allowance in addition to the DIC.

k. DIC information is available at <http://www.va.gov>; go to Survivor Benefits.

#### **10-7. Needs-Based Death Pension.**

a. VA will pay a death pension to a surviving spouse whose income falls below a level of support related to a national standard of need. Pensioners will generally receive benefits equal to the difference between their annual income from all sources and the appropriate income standard. In determining eligibility and the amount of benefits payable, all outside income is considered with exclusions for certain unusual one-time payments or expenditures.

b. Benefits are increased annually at the same time and by the same percentage as Social Security benefits (effective each 1 Dec; payable in the 1 Jan check). Most surviving spouses entitled to SBP will receive too much income to qualify for the needs-based death pension.

c. Application for the death pension is made on the same form as application for DIC payment and should be submitted in the same manner.

d. A surviving spouse who is granted a death pension will receive an annual income questionnaire from the VA, where they will be required to report their annual income and expected income for the coming year.

e. It is important that a surviving spouse who is receiving death pension payments report promptly to VA any change in income during the calendar year. Early notification to VA will save the inconvenience of being called upon to refund pension payments that have been received.

**10-8. Loan Guarantee.** The un-remarried surviving spouse of a retired Soldier who died as a result of service-connected disability is eligible for a home loan guarantee. The guarantee may be obtained even though the retired Soldier also obtained a loan guarantee before death.

**10-9. Survivors and Dependents' Educational Assistance Program.** Educational assistance is available to surviving spouses and children of retired Soldiers who are rated by VA as totally disabled by reason of service-connected disability or who die of injury or disease incurred or aggravated during wartime or in the performance of military duties during peacetime. Education benefits are normally paid for 10 years from the retired Soldier's death. However, the surviving spouse of a member who dies while serving on active duty may receive 20 years in which to use these benefits (P.L. 108-454, Dec. 10, 2004, Veterans Benefits Improvement Act of 2004, Section 105.) Children are eligible until age 26, although benefits may be extended in some circumstances. Find additional information on the Dependents' Educational Assistance (DEA) program at: [http://www.gibill.va.gov/pamphlets/CH35/CH35\\_Pamphlet\\_General.htm](http://www.gibill.va.gov/pamphlets/CH35/CH35_Pamphlet_General.htm)

**10-10. Social Security.** Survivors may apply for Social Security benefits at the same time they apply for DIC or VA death pension. The substantiating evidence they submit to VA also may be used by the Social Security Administration (SSA). However, survivors must still make application for Social Security benefits to a SSA office. Submission of separate applications with required substantiating evidence to VA and the SSA will expedite the processing of claims for

compensation or pension and Social Security benefits.

#### **10-11. Civil Service Survivor Annuities.**

a. If a retired Soldier dies while employed by the Federal Government after at least 18 months of creditable Federal civilian service, the surviving spouse will automatically get an annuity equal to 55 percent of the earned civil service annuity, provided they were married for at least 1 year (or there is a child of the marriage). This annuity is payable immediately upon the death of the employee.

b. Dependent children of a retired Soldier who dies while employed by the Federal Government after at least 18 months of creditable civilian service are also entitled to a civil service annuity. Their annuities will continue until the earliest date that they marry, reach 18 (age 22 if in school full time), or die.

c. Inquiry may be made to the Bureau of Retirement, Insurance, and Occupational Health, Office of Personnel Management, Washington, DC 20415.

#### **10-12. Civil Service Preference.**

a. Ten points are added to the passing exam scores of unmarried surviving spouses of deceased retired Soldiers who served on active duty during any war, or in any campaign or expedition for which a campaign badge or service medal was authorized.

b. Mothers. The mother of a retired Soldier who became permanently and totally disabled because of a service-connected disability, is entitled to 10-point preference provided that she is widowed, divorced, or separated from the father of the veteran, or the father is permanently and totally disabled. An otherwise eligible mother who has remarried may be granted preference only if, with reference to the subsequent marriage, her husband is permanently and totally disabled, or she is divorced or legally separated, or she has been widowed.

c. Most civil service positions are filled through competitive examinations. Persons entitled to 10-point preference for federal civil service employment must attain an eligibility rating in a civil service examination before the 10 points can be added.

d. Information concerning available federal employment and civil service examinations may be obtained from the Federal Job Information Center in your area. Examination announcements and application forms also may be obtained from most post offices throughout the U.S.

**10-13. State Benefits.** Many states have passed laws providing certain benefits to surviving spouses and children of deceased retired Soldiers. Those include bonuses, educational assistance, employment preference, tax exemptions, and other benefits. Further information about the laws of a particular state should be obtained from local government officials.



## CHAPTER 11: RETIREMENT HOMES

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### 11-1. The Armed Forces Retirement Home.

- a. In 1990, Congress passed Public Law 101-510, Title XV, "The Armed Forces Retirement Home Act of 1991," which created an independent establishment in the Executive Branch of the Federal Government incorporating the United States Soldiers' and Airmen's Home (USSAH) in Washington, DC, and the U.S. Naval Home (USNH) in Gulfport, Mississippi, into the Armed Forces Retirement Home (AFRH). The two facilities are referred to as the AFRH-Washington and AFRH-Gulfport.
- b. Eligibility. Veterans are eligible to become a resident of the AFRH if their active duty service in the military was at least 50 percent enlisted, warrant officer or limited duty officer and who are:
- Veterans with 20 or more years of active duty service and are at least 60 years old, or
  - Veterans unable to earn a livelihood due to a service-connected disability, or
  - Veterans unable to earn a livelihood due to non service-connected disability, and who served in a war theater or received hostile fire pay, or
  - Female veterans who served prior to 1948.
- c. Special Conditions. Applicants must be free of drug, alcohol, and psychiatric problems, and never have been convicted of a felony. Married couples are welcome, but both must be eligible in their own right. At the time of admission applicants must be able to live independently. If increased health care is needed after being admitted, assisted living and long term care are available at both campuses.
- d. Fees. Resident fees for the AFRH are as follows:
- Independent living residents, 35 percent of total current income, but not to exceed \$1,035/month
  - Assisted living residents, 40 percent of total current income, but not to exceed \$1,553/month
  - Long-term care residents, 65 percent of total current income, but not to exceed \$2,588/month

**11-2. Washington, DC Facility.** The AFRH-Washington is nestled on 320 acres in the heart of the nation's capital, just minutes from the White House, U.S. Capitol and other national landmarks. The Home once housed four U.S. Presidents, including Abraham Lincoln. Today, AFRH-W has evolved into an outstanding example of the military taking care of its own with exceptional independent, assisted living and long-term care facilities. Considered a city within a city, the campus features everything our residents need for daily living: private rooms equipped for cable television and telephones, banks, chapels, convenience store, post office, laundry, barber shop and beauty salon, dining room, and 24-hour security and staff presence.

**11-3. Gulfport, MS Facility.** NEWS RELEASE FROM AFRH, dated 7 Dec 2005:  
Due to the damage caused by Hurricane Katrina, 350+ veterans who resided at the Gulfport Home were evacuated from the Gulfport facility within 24 hours of the storm and transported to their sister facility in Washington, DC. Since September 1, 2005, the Washington facility has been providing shelter, food, medical and support services to the Gulfport residents. This arrangement could last approximately 18 months, providing funding is received from Congress.

**11-4. More Information.** Details on AFRH-Washington can be obtained online at: <http://www.afrh.gov/afrh/washington/afrhwashington>; on AFRH-Gulfport online at <http://www.afrh.gov/afrh/gulfport/afrhgulfport.htm>; or by writing to AFRH-W, 3700 N. Capitol St. NW, Washington, DC 20317; or calling 1-800-422-9988 or (202)730-3337.

**11-5. State Veterans Homes.**

- a. Many states maintain veterans homes, some of which also admit certain family members or survivors.
- b. Generally, a period of residency in a state or entry on active duty from the state is required for admission to a home. However, since entrance requirements and conditions of residence differ from state to state, information on a specific home should be requested from that state veterans agency or home.

## CHAPTER 12: UNIFORMED SERVICES FORMER SPOUSES' PROTECTION ACT

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**12-1. Overview.** The legal ramifications associated with the dissolution of a marriage should not be taken lightly. Competent legal advice should always be sought. Each person must seek legal advice to feel satisfied, not confused, with the advice they receive. Title 10, U.S. Code, is a public document and available to all lawyers. In addition, because state laws differ and because it is state law that governs divorce proceedings and decrees, it is important that your legal advisor have complete knowledge of the divorce laws applicable to the state under which the divorce will be granted, and in particular, be well-versed in military divorce procedures.

**12-2. Effective Date.** The law prevents division of retired pay when the divorce was finalized prior to June 25, 1981.

**12-3. Disposable Retired Pay.** Only disposable retired pay can be divided between the retired Soldier and the former spouse. The term "disposable retired pay" means the total monthly retired pay to which a member is entitled less:

- a. amounts owed by that member to the United States for previous overpayments of retired pay and for recoupments required by law resulting from entitlement to retired pay;
- b. amounts deducted from the retired pay of such member as a result of forfeiture of retired pay ordered by a court-martial or as a result of a waiver of retired pay required by law in order to receive compensation under Titles 5 and/or 38, U.S. Code;
- c. (in the case of a member entitled to retired pay under chapter 61 of Title 10) are equal to the amount of retired pay of the member under that chapter of law computed using the percentage of the member's disability on the date when the member was retired, or the date on which the member's name was placed on the temporary disability retired list; or
- d. amounts deducted because of an election under chapter 73, Title 10, U.S. Code to provide an annuity to a spouse or former spouse to whom payment of a portion of such member's retired pay is being made pursuant to a court order under this section.

### **12-4. Authority for Court to Treat Retired Pay as Property of the Member and Spouse.**

- a. Subject to the limitations of Title 10, U.S. Code, a state court may treat disposable retired pay payable to a member for pay periods beginning after June 25, 1981, either as property solely of the member, or as property of the member and his spouse in accordance with the law of the jurisdiction of such court. A court may not treat retired pay as property in any proceedings to divide or partition any amount of retired pay of a member as the property of the member and the member's spouse or former spouse if a final decree of divorce, dissolution, annulment, or legal separation (including a court ordered, ratified, or approved property settlement incident to such decree) affecting the member and the member's spouse or former spouse (A) was issued before June 25, 1981, and (B) did not treat (or reserve jurisdiction to treat) any amount of retired pay of the member as property of the member and the member's spouse or former spouse.
- b. Notwithstanding any other provision of law, this section does not create any right, title, or interest which can be sold, assigned, transferred, or otherwise disposed of (including by inheritance) by a spouse or former spouse. Payments by the Secretary concerned under subsection (d) to a spouse or former spouse with respect to a division of retired pay as the property of a member and the member's spouse under this subsection may not be treated as amounts received as retired pay for service in the uniformed services.

c. This section does not authorize any court to order a member to apply for retirement or retire at a particular time in order to effectuate any payment under this section.

d. A court may not treat the disposable retired pay of a member in the manner described in paragraph (1) unless the court has jurisdiction over the member by reason of (A) his residence, other than because of military assignment, in the territorial jurisdiction of the court, (B) his domicile in the territorial jurisdiction of the court, or (C) his consent to the jurisdiction of the court.

**12-5. Additional Information.** More complete information may be obtained by contacting an installation Staff Judge Advocate, a Retirement Services Officer, or on the Army's Retirement Services Web site at <http://www.armyg1.army.mil/retire> (under the Unformed Services Former Spouses' Protection Act).

## CHAPTER 13: VA BENEFITS

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**13-1. Overview.** Many of these benefits will come from the Department of Veterans Affairs (VA) based on the following timetable.

**13-2. VA Benefits Timetable.** Many VA benefits have time limits on how long a veteran is eligible to take advantage of these benefits. A listing of VA benefits and the time frame for application is as follows:

-- Dental treatment. VA provides necessary dental care within 90 days of discharge or separation from service for veterans who were not provided dental examination and treatment. The time limit does not apply to veterans with dental disabilities resulting from combat wounds or service injuries. If dental treatment was not completed prior to retirement date, that must be reflected on the DD Form 214 in order for the VA to provide treatment.

-- Unemployment Compensation. This program is administered by the States as agents of the Federal government. The Department of Labor's web site ([www.dol.gov](http://www.dol.gov)) contains links for each state's benefits, including the District of Columbia and Puerto Rico. The amount of benefit and payment period varies. Apply soon after retirement. Normally, retired pay will reduce unemployment benefits dollar for dollar.

-- Life Insurances.

- Veterans Group Life Insurance (VGLI). Servicemembers' Group Life Insurance (SGLI) may be converted to VGLI, which is a five-year, renewable, term policy. It is available in amounts up to \$250,000, but cannot exceed the amount of SGLI coverage in force at the time of separation. Premiums are age-based. At any time, VGLI may be converted to an individual commercial policy with a participating insurance company. No physical is required if the conversion from SGLI to VGLI occurs within 120 days following retirement, but application must include proof of good health of made within 1 year and 120 days after retirement.
- Service Disabled Veterans Insurance (SDVI). VA life insurance (up to \$10,000) is available for veterans with service-connected disabilities. Veterans who are totally disabled may apply for a waiver of premiums, and for \$20,000 additional insurance after six months.
- Veterans' Mortgage Life Insurance (VMLI). This is mortgage protection insurance issued to those severely disabled veterans who have received grants for Specially Adapted Housing from VA. Maximum coverage if \$90,000. Must apply before the age of 70.

-- Education. You may be eligible for educational assistance while you pursue approved training if you participated in either the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP) (Chapter 32), or the Montgomery GI Bill (Chapter 30) while on active duty; or, if you had entitlement under the Vietnam Era GI Bill (Chapter 34) remaining on Dec. 31, 1989, and were on active duty from Oct. 19, 1984, through Jun. 30, 1988, without a break; or were on active duty from Oct. 19, 1984, through Jun. 30, 1987, and subsequently entered into the Selected Reserve under a four-year enlistment. For members of the Montgomery GI Bill -- Selected Reserve (Chapter 106), benefits will end on the date of separation from the Selected Reserve or 10 years from the date eligibility began, whichever happens first. Additional information on education benefits can be found at <http://www.armyeducation.army.mil> or <http://www.gibill.va.gov>.

-- Vocational Rehabilitation. For certain disabled vets, VA will pay tuition and fees, and the cost of books, tools, and other program expenses as well as provide a monthly living allowance. Upon completion of the vocational rehabilitation program, VA will assist in finding employment.

-- Disability compensation. VA pays compensation for disabilities incurred in or aggravated by military service. Compensation is tax free, but offsets dollar-for-dollar a member's military retired pay. There is no offset applied to a civil service retirement annuity.

-- Medical care. VA provides a wide range of care benefits, including help for alcoholism and other drug dependency, to veterans with a service-connected disability and to non-service-connected veterans who qualify. See Chapter 10 on VA medical care. Readjustment counseling is available at VA vet centers for veterans with readjustment problems.

-- GI Home Loan. VA will guarantee a loan for the purchase of a home, farm with a residence, manufactured home, or condominium.

-- Employment assistance. Assistance is available in finding employment in private industry or government (federal, state and local).

**13-3. Additional Information.** Details on all VA programs and benefits can be found online at <http://www.va.gov>; or at 1-800-827-1000; or from your county VA official (blue pages of phone book).

## CHAPTER 14: SOCIAL SECURITY

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### 14-1. Overview.

- a. Most retired Soldiers and their families, or their survivors will be eligible to receive monthly Social Security payments when they reach Social Security retirement age. General eligibility requirements for Social Security benefits are described in paragraph 14-2.
- b. Social Security benefits are administered by the Department of Health and Human Services. Only that agency can make the final determination as to whether or not Social Security benefits are payable. More detailed information on retirement and survivor benefits and many other aspects of Social Security is provided in the booklet, "Retirement Benefits", SSA Publication No. 05-10035, July 2004, available online at: <http://www.ssa.gov/pubs/10035.html>; published by the Department of Health and Human Services. A copy of this and other informative publications may be obtained at any Social Security office in the U.S., or by requesting one at 1-800-772-1213; or online at <http://www.ssa.gov>.

### 14-2. Eligibility Requirements for Social Security Benefits.

- a. On January 1, 1957, Soldiers began participating in the Social Security system during their active duty time. Social Security tax, or FICA, is not, however, deducted from retired pay, as that is considered "deferred" income, not "earned" income.
- b. A person becomes insured for Social Security benefits through the quarters of coverage earned in employment covered by the Social Security law. Generally, a quarter of coverage is a 3-month period beginning 1 January, 1 April, 1 July, or 1 October in which the worker (in most occupations, including military service) had the minimum required earnings.
- c. A retired Soldier has earned one quarter of coverage for every calendar quarter or part of a calendar quarter served on active duty during a period in which he or she was eligible for Social Security wage credits. The number of quarters of coverage a retired Soldier has earned before reaching retirement age determines eligibility for Social Security benefits.
- d. To be eligible for retirement benefits, the retired Soldier must be fully insured. Once a retired Soldier has earned 40 quarters of coverage, he or she is fully insured for life. Soldiers who were on active duty for at least 10 years have earned 40 quarters of coverage and are, therefore, fully insured.
- e. While the number of quarters of coverage earned determines whether benefits are payable, a retired Soldier will increase the future Social Security benefit amount by continuing to work in Social Security covered employment after retirement.
- f. Full retired pay and full Social Security benefits are concurrently payable -- without offset!

### 14-3. Types of Social Security Payments.

#### a. Retirement.

(1) Worker benefit. Workers who are fully insured may receive a full monthly Social Security benefit at age 65. Workers whose "full" entitlement age is 65, and who choose to begin to receive Social Security payments at age 62, receive 80 percent of their full benefit they would have received had they waited until age 65 to begin drawing it. The closer the worker is to full retirement age when electing to receive the benefit, the larger the percentage of the full benefit is, for life. When a worker elects to receive an early Social Security benefit at a reduced rate, the reduced rate will continue even after the worker's 65th birthday. It will, however, increase with cost of living adjustments, or if additional wages are earned.

(2) Spouse (Former Spouse) Benefit. If a worker is receiving a Social Security retirement benefit, the worker's spouse (and/or former spouse) may receive a spouse benefit based on the worker's record. Generally speaking, it is one-half of the worker's benefit. However, if the worker elects to receive an early, reduced benefit, which impacts the spouse's "half". Just as with a worker, once a reduced benefit is elected, the reduced percentage rate is never increased. A spouse (former spouse) may receive a benefit as a parent who is caring for the worker's child, who is under age 16 or disabled, and who is entitled to a child's benefit based on the worker's record.

(3) Child Benefit. Each unmarried, dependent child under age 18 (up to 19 if still in secondary school--high school and below), or any age if disabled before age 22, of a worker who is receiving a Social Security retirement benefit is eligible for a child's benefit based on the earnings of the worker parent.

b. Survivor.

(1) Surviving spouse (former spouse). A surviving spouse married at least one year at time of the worker's death, or a former spouse who was married for at least 10 years to a worker may be entitled to receive 100 percent of the worker's benefit at age 65. (Note: receipt by a surviving spouse does not preclude receipt by a qualified former spouse). A reduced benefit may be drawn as early as the surviving spouse or former spouse's 60th birthday. A surviving spouse who remarries after age 60 continues to receive the surviving spouse benefit.

(2) Caring for a Child. If the surviving spouse/former spouse is under 62 and caring for a worker's child (under age 16 or disabled) entitled to a child's benefit, the surviving spouse/former spouse's benefit will be three-fourths of the worker's benefit subject to a maximum family benefit limit. The benefit to the surviving spouse or former spouse will terminate when the child reaches age 16, unless the child is disabled. If a disabled child continues to receive benefits, the surviving spouse/former spouse may continue to receive benefits.

(3) Dependent children. Each unmarried dependent child under 18 may be entitled to a child's benefit based on the Social Security account of a deceased worker. An unmarried dependent child age 18 or older may be entitled to benefits if the child was disabled before age 22 or is a full-time student under age 19. Each child receives a monthly benefit that is 75 percent of the worker's benefit subject to a maximum family benefit limit.

(4) Dependent parent. A parent who was supported by more than 50 percent by the deceased worker at the time of the deceased worker's death, or the beginning of the deceased worker's period of disability, may receive a benefit at age 62. This benefit would be in addition to the benefit received by a surviving spouse/former spouse or child. The parent must file proof of support within two years after the worker's death or application for a period of disability. One parent will receive 82-1/2 percent of the worker's benefit. If there are two parents, each will receive 75 percent of the worker's benefit subject to a maximum family benefit limit.

c. Disability. An eligible worker can become entitled to disability payments at any time before age 65. A surviving spouse/former spouse who becomes disabled before age 65 may receive Social Security disability payments as early as age 50. The disability benefit is paid in addition to retired pay or VA service-connected disability compensation. The eligibility criteria for Social Security disability compensation are much stricter than for other government disabilities (e.g., military retirement or VA service-connected). Contact Social Security for more details.

#### **14-4. Eligibility for More Than One Type of Benefit.**

a. Each married person who has earned sufficient quarters of Social Security coverage in his/her own right has the option of drawing a worker benefit on his/her own work record or a spouse or surviving spouse benefit based on his or her spouse's work record. Further, a person entitled to a benefit based on his/her own work, and a surviving spouse/former spouse benefit, may switch from one type of benefit to another if it is financially advantageous. An individual entitled to a benefits based on his/her own work record, and a higher spouse benefit on his/her spouse's work record, is required to file for both benefits, if eligible to receive both benefits at the time their application is filed. Two examples follow:



(1) Example 1: Tom is drawing \$750 monthly. At age 62, his wife Mary is eligible for a benefit of \$225 based on her own work record, OR \$325 as Tom's spouse (37-1/2 percent of Tom's benefit). She is required to file for both benefits. If Mary's own benefit is higher than her benefit as Tom's spouse, she is not required to file for the spouse's benefit.

(2) Example 2: Joe died leaving a 60-year old widow, Susan. Susan, at age 60, could not yet draw a benefit on her own work record. Instead, she drew a surviving spouse's benefit of \$536, (71 percent of Tom's benefit). At age 65, Susan switched from the \$536 surviving spouse's benefit to a benefit of \$700 based on her own covered employment.

**14-5. Eligibility for a Pension from Work Not Covered by Social Security.** In most cases, a person who first qualified on or after July 1, 1983, for a local, state, or federal pension from work not covered by Social Security, will have the Social Security spouse or surviving spouse benefit reduced by an amount equal to two-thirds of their government-contributed pension. This is called the Government Pension Offset (GPO). A SSA publication on the GPO is available online at <http://www.ssa.gov/pubs/10007.html>, or by calling your local Social Security office, 1-800-772-1213.

**14-6. Benefits Reduced for Those with Little Social Security Covered Employment.** The Social Security Windfall Elimination Provision (WEP) requires that a reduced formula be used to calculate Social Security benefits for those with very little Social Security covered employment who are also eligible for a pension based upon their own work, which was not covered by Social Security. This would apply to those with few active duty years after December 31, 1956. It would also affect a civil service retired Soldier who perhaps had only part-time Social Security covered employment. A SSA publication on the WEP is available at <http://www.ssa.gov/pubs/10045.html>; or by calling your local Social Security office, 1-800-772-1213.

**14-7. Lump-Sum Death Payment.** Upon the death of an eligible worker, a lump-sum death payment of \$255 is payable in addition to monthly benefits from any other agency. The lump-sum death payment is made only to a surviving spouse or, if none, to a child eligible to draw a benefit on the worker's record.

**14-8. Medicare.** See Chapter 7 for an explanation of Social Security Medicare.

**14-9. Additional Information.** To obtain more information about Social Security benefits, call toll-free 1-800-772-1213; or access their Web site at <http://www.ssa.gov>.

## CHAPTER 15: REFERENCES AND ABBREVIATIONS

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**15-1. References.** Related publications that can be used as sources of additional information are listed below, and can be found online as follows:

- Army: <http://www.usapa.army.mil>
- DoD: <http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>
- IRS: <http://www.irs.gov>
- Social Security: <http://www.ssa.gov>
- VA: <http://www.va.gov>

AR 632-35, Appearances Before Command or Agency of the Dept of the Army  
AR 37-104-1, Payment of Retired Pay to Members and Former Members of the U.S. Army  
AR 135-80, Qualifying Service for Retired Pay Nonregular Service  
AR 290-5, Army National Cemeteries  
AR 600-8-1, Army Casualty and Memorial Affairs and Line of Duty Investigations  
AR 600-8-7, Retirement Services Program  
AR 635-5, Separation Documents  
AR 635-10, Processing Personnel for Separation  
AR 635-40, Physical Evaluation for Retention, Retirement, or Separation  
AR 635-100, Officer Personnel  
AR 635-200, Enlisted Personnel  
AR 640-3, Identification Cards, Tags, and Badges  
DD Form 2a (Res) (red), Reserve ID Card  
DD Form 2a (Ret) (blue), Retired ID Card  
DD Form 48-3, Personnel Security Questionnaire  
DD Form 149, Application for Correction of Military Record  
DD Form 214, Certificate of Release or Discharge from Active Duty  
DD Form 215, Correction of DD 214  
DD Form 1173, Uniformed Services Identification and Privilege Card  
DD Form 1174, Application for Final Pay  
DD Form 1884 (replaced by DD Form 2656-7)  
DD Form 1357, Statement of Employment.  
DD Form 1787, Report of DOD and Defense-Related Employment.  
DD Form 2656, Data for Payment of Retired Personnel (includes SBP election)  
DD Form 2656-1, SBP Election Statement for Former Spouse Coverage  
DD Form 2656-2, SBP Open Season Election (obsolete)  
DD Form 2656-3, SBP Termination Request  
DD Form 2656-4, (Obsolete)  
DD Form 2656-5, RCSBP Election Certificate  
DD Form 2656-6, SBP Election Change Certificate  
DD Form 2656-7, Verification for Annuity  
SF 1199A, Authorization for Direct Deposit of Federal Recurring Payments  
IRS Form 1099-R, Distributions from Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc.  
IRS Form W-4, Employee Withholding Allowance Statement  
VA Form 21-526, Veteran's Application for Compensation or Pension  
VA Form 21-686c, Declaration of Status of Dependents

## 15-2. Terms.

**Annuities for Certain Military Surviving Spouses (ACMSS)** – Monthly annuity payable to qualified surviving spouses of retired members who died before March 20, 1974, which is the end of the initial open season following the creation of Survivor Benefit Plan (SBP) on September 21, 1972; OR the creation of the Reserve Component SBP (RCSBP), 1 October 1978.

**Army Career and Alumni Program (ACAP)** - Transition and job assistance for retiring Soldiers, civilians, and their family members.

**Army Emergency Relief (AER)** - A private organization which provides financial assistance to active and retired Soldiers and their families. An AER office is located on most major installations.

**Arrears of Pay (AOP)** – Also known as “Final Pay”. The amount of monthly retired pay which was due to but not paid to the retired Soldier before his or her death, and which is then payable to the named beneficiary. Application must be made on a DD Form 1174.

**Army Echoes** - An authorized, mailed periodical published for retired Soldiers and their annuitant survivors three times per year. It is also available online at: [www.armyg1.army.mil/retire](http://www.armyg1.army.mil/retire).

**Base amount** – Amount of retired pay upon which participation in the Survivor Benefit Plan (SBP) is “based.” It can be any dollar amount between a minimum of \$300 and a maximum of the retired Soldier’s gross retired pay entitlement.

**Combat-Related Special Compensation (CRSC)** – A special compensation payable to certain combat-related, disabled retired Soldiers.

**Concurrent Retirement & Disability Payments (CRDP) Program** – A special compensation payable to certain service-disabled retired Soldiers.

**Deemed SBP Election** -- An SBP election that was court-ordered and then established by a former spouse’s written request received by DFAS-CL within one year of the date of divorce. It implements the Court’s order regardless of any inaction on the part of the retired Soldier to comply with the Court’s order regarding establishing “former spouse” SBP.

**Defense Eligibility Enrollment Reporting System (DEERS)** - A computerized database containing information on beneficiaries eligible for military medical care and TRICARE.

**Dependency & Indemnity Compensation (DIC)** - A tax-free, monthly compensation paid by the VA to survivors when an active or retired Soldier’s death is attributed to an injury or illness incurred while on or aggravated by active duty.

**Disposable Retired Pay** - Retired pay which may be divided with a former spouse as property when a court so orders. Certain pays are not considered “disposable” and cannot be divided.

**Electronic Fund Transfer (EFT)** - A method of electronically sending retired pay to a financial institution (aka “direct deposit”). (IEFT is International Electronic Funds Transfer.)

**Government Pension Offset (GPO)** – The provision of law that results in an offset of the normal Social Security benefit amount payable to a spouse (and surviving spouse), due to their receipt of a government-contributed pension (i.e., a non-Social Security based pension).

**“Gray Area” Retired Soldier** - A Reserve Component Soldier who has completed 20 years service, qualifying for retirement, but who has not yet reached age 60 and is not yet entitled to retired pay.

**Gross Retired Pay Entitlement (GRPE)** – The full amount of retired pay to which a retired Soldier is entitled.

**Non-Annuitant Spouse** - A surviving spouse who is not eligible for a Survivor Benefit Plan (SBP) annuity.

**Reserve Component Survivor Benefit Plan (RC-SBP)** – The companion plan to SBP, created October 1, 1978, that gives reservists the opportunity upon completion of 20 qualifying years of service to provide payment of a portion of their future retired pay should they die before it begins at age 60. RC-SBP cost does not begin until retired pay commences at age 60, and is in addition to SBP costs.

**Retirement Services Officer (RSO)** – An Army installation officer that provides information, counseling and assistance to retiring and retired Soldiers, families and survivors.

**Servicemembers’ Group Life Insurance (SGLI)** – A VA life insurance policy that active duty members may purchase, which remains in effect for 120 days following retirement (at no cost to the member). SGLI can be converted to VGLI (see below).

**Survivor Benefit Plan (SBP)** - A plan created by Congress on September 21, 1972, which allows retiring Soldiers to elect to receive reduced retired pay during their lifetime in order to continue 55 percent of that pay to the survivors. SBP coverage is in place at no cost for all active duty members.

**TRICARE** - A nationwide healthcare program which shares with retired Soldiers and their families the cost of medical care received through civilian sources.

**TRICARE for Life (TFL)** – A nationwide healthcare program that authorized retired Soldiers and eligible family members to receive care through civilian sources after age 65, in conjunction with Medicare.

**TRICARE Retired Soldier Dental Plan (TRDP)** – An unsubsidized program that provides certain dental benefits to participating retired Soldiers and their family members.

**Unpaid Retired Pay** - Same as Arrears of Pay (AOP) or Final Pay.

**Uniformed Services Former Spouses’ Protection Act (USFSPA)** - A 1982 federal law that provides benefits for certain former spouses of active and retired Soldiers.

**Veterans’ Group Life Insurance (VGLI)** - A renewable, 5-year term VA insurance program available to retired Soldiers. The cost is age-based. It may be converted to a private policy held by a participating company at any time.

**Windfall Elimination Provision (WEP)** – The name of the provision that mandates that a reduced formula is used to calculate Social Security benefits for those who, in addition to having work covered by Social Security, are also eligible for a government-contributed pension (i.e., not covered by Social Security).