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Pamphlet 600-5

Personnel - General

Handbook for Retiring Soldiers and Their Families

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SUMMARY of CHANGE

DA PAM 600-5

Handbook for Retiring Soldiers and Their Families

This new Army pamphlet--

- o Provides information and guidance to retiring soldiers and their families on their retirement rights, benefits, and obligations.
- o Covers topics such as retired pay, medical care, replacing lost military documents, identification cards, and Social Security.

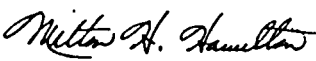
Personnel - General

Handbook for Retiring Soldiers and Their Families

By Order of the Secretary of the Army:

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History. This issue revises DA Pam 600-5, 1 August 1982. This publication has been reorganized to make it compatible with the Army electronic publishing database. No content has been changed.

Summary. This pamphlet explains the

rights, benefits, privileges, and obligations of retiring soldiers and their families.

Applicability. This pamphlet applies to the Active Army, the Army National Guard, and the U.S. Army Reserve. It applies to active duty soldiers approaching retirement and to reserve soldiers upon becoming eligible for retired pay at age 60.

Proponent and exception authority. The proponent of this pamphlet is the Deputy Chief of Staff for Personnel (DCSPER). The proponent has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation. Proponents may delegate this approval authority, in writing, to a division chief under their supervision within the proponent agency in the grade of colonel or the civilian equivalent.

Interim changes. Interim changes to this pamphlet are not official unless they are authenticated by the Administrative Assistant to the Secretary of the Army. Users will destroy

interim changes on their expiration dates unless sooner superseded or rescinded.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to Commander, U.S. Army Community and Family Support Center, ATTN: CFSC-FSR, Alexandria, VA 22331-0521.

Distribution. Distribution of this publication is made in accordance with the requirements on DA Form 12-09-E (Subscription Numbers, Part IV (ARs, Cirs, and Pams (EGA)), block number 4659, intended for command levels C for Active Army and D for Army National Guard and U.S. Army Reserve.

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RESERVED

Chapter 1 Introduction

1-1. Purpose

a. This pamphlet provides information on retirement rights, benefits, privileges, and responsibilities. The information applies to soldiers who retire on or after its date of publication and their families.

b. Many of the benefits listed are administered by government agencies other than Department of the Army. Information about these benefits is advisory only. Eligibility for these benefits is determined by the government agency responsible.

1-2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the glossary.

Chapter 2 Planning

2-1. General

a. A good plan is supported by documentation, records and files. To plan for tomorrow, you must start today—one step at a time. To plan is to take charge of your future. Not to plan is to let your future “just happen.” The choice is yours.

b. A successful retirement requires not only planning today, but also 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 5 to 10 years. Inflation, in conjunction with your changing personal circumstances, can erode a fiscally sound plan.

c. The first step in planning and determining tomorrow’s needs is knowing what you have today. Therefore, you are urged to develop a listing of your assets and list the location of important documents which your survivors will need to claim them. Family members should be told that this information is on file and should have ready access to this handbook.

2-2. Lost records and files

Lost, misplaced, or misfiled records and files create problems for retired soldiers, and their spouses and survivors when they apply for benefits. Soldiers should make and retain a copy of their complete medical and personnel records before turning them in for final outprocessing. 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. However, your efforts may be in vain when copies of documents needed to complete these actions cannot be produced. 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 in your life. The point is to maintain copies of documents in a place easily accessible by all concerned. You may want to make a list of where the originals of your important documents are filed.

2-3. Replacement of lost military records

Copies of military records can be requested by writing to— Commander, ARPERCEN, ATTN: (see below for office symbols), 9700 Page Boulevard, St. Louis, MO 63132-5200.

a. *DARP-VSE-VO*. Military personnel files, including medical records.

b. *DARP-PAS-EVS*. Separation, discharge and retirement orders, to include DD Forms 214 (Certificate of Release or Discharge From Active Duty), and WD AGO forms.

c. *DARP-PAS-EAW*. Awards and decorations Include with your request for these documents the full name and Social Security number of the person whose records are being requested. Your local Retirement Services Officer is available to provide guidance in this and other matters. Because of the large volume of correspondence handled by these agencies, it may take more than 6 months to receive a response.

2-4. Correction of military records

a. Using DD Form 149 (Application for Correction of Military Record, under the Provisions of Title 10, U.S. Code, Section 152) you, your survivors, or a legal representative may request a correction to your military records. The completed DD Form 149 should be submitted to Commander, ARPERCEN, 9700 Page Boulevard, St. Louis, MO 63132-5200. DD Form 149 may be obtained from your Retirement Services Officer.

b. To justify correction of a military record, you must, to the satisfaction of the Army Board for Correction of Military Records, prove that the alleged entry or omission in the record was in error or unjust. This board considers all applications, and makes recommendations to the Secretary of the Army. You must file the application for correction of record within 3 years after discovering the error or injustice. If you file after the 3 year deadline, you must include in your application reasons the board should find it in the interest of justice to accept the tardy 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 your record must be submitted by you. The responsibility for securing new evidence rests with you.

2-5. Change of address

a. *Soliders in receipt of retired pay and annuitants.*

(1) Prompt reporting of any change in address is essential for the continued receipt of retired pay or, in the case of survivors, continued receipt of an annuity from the Survivor Benefit Plan. The Defense Finance and Accounting Service, Indianapolis Center (DFAS-IN) maintains two separate mailing lists, one for pay and one for all other correspondence, to include *Army Echoes* and income tax forms. Retired soldiers and annuitants who receive their pay by Electronic Funds Transfer (EFT) often forget to change their home address, because their pay continues to the financial institution regardless of a change in residence. Please help us keep down postage while keeping yourself abreast of important changes to your benefits. Keep your address current. Send changes of address to Defense Finance & Accounting Service, Indianapolis Center, Dept. 94, Indianapolis, IN 46249-0001.

(2) Retired soldiers are subject to mobilization. Therefore, they must also submit changes of address to the Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132-5200.

b. *Gray area retired soldiers.* Gray area retired soldiers receive *Army Echoes* upon receipt of their 20-year letter. They should send changes of address to Commander, ARPERCEN, 9700 Page Boulevard, St. Louis, MO 63132-5200.

c. *Non-annuitant spouses.* Non-annuitant spouses do not receive *Army Echoes*, therefore, they do not need to notify DFAS-IN of changes of address. Changes should still be reported to Defense Enrollment Eligibility Reporting System (DEERS) via any military ID card issuing facility (See para 2-7).

d. *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 DEERS. (See para 2-7). This may be done at any military ID card issuing facility.

e. *Soldiers and survivors receiving benefits from Department of Veterans Affairs.* Soldiers and survivors receiving benefits from the Department of Veterans Affairs should notify their local VA office of changes in address.

2-6. Identification (ID) cards

a. Identification cards are issued to you and your eligible family

members as a means of identification and as authorization for various benefits and privileges. DD Form 2 (Ret) (blue) (United States Uniformed Services Identification Card (Retired)) is issued to retired soldiers who are entitled to retired pay, even though they may have waived their pay in favor of VA compensation, or because of employment with or 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 medical care, commissary, exchange, and theater privileges. These facilities may be used on a space-available basis at any uniformed services installation.

b. Retired soldiers and eligible family members who are enrolled in the DEERS may apply to any military identification card issuing facility for issue. Otherwise, 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, however, the sponsor's signature must be notarized before the completed application is presented to the ID Card Issuing Facility.

c. The Uniformed Services Identification and Privilege Card is the property of the U.S. Government, is not transferrable, and must be surrendered by the retired soldier or family member upon any change in status affecting eligibility, expiration of the card, or upon request of the military authorities. Cards should be returned to Commander, U.S. Army Total Personnel Command, ATTN: TAPC-PDO-IP, Alexandria, Virginia 22331.

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

(1) Retired soldiers in receipt of retired pay, or would be in receipt of retired pay but for the receipt of VA compensation or a Civil Service retirement annuity.

(2) Spouses of individuals in (1) above.

(3) Certain former spouses of individuals in (1) above. (See chap 17 for former spouse benefits)

(4) Children, including step-children and adopted children, under age 21, or under 23 and attending school full time, or any age if incapacitated before the age of 21 (23 if in school at the onset of the incapacity) 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.

Note. Paperwork for incapacitated children over 21 and dependent parents must be approved for medical benefits entitlements by DFAS-IN.

2-7. Defense Enrollment Eligibility Reporting System

Defense Enrollment Eligibility Reporting System (DEERS) is a computerized data bank containing information on military sponsors (active, reserve and guard, retired) and their beneficiaries who may be eligible for medical care, and other military privileges. The data bank is automatically updated when a new ID card is obtained. Retired soldiers who acquire new family members after retirement should contact the nearest ID Card Issuing Facility for information on ID Card issue and enrollment.

2-8. Stateside military installation privileges

a. You, your eligible family members, and unmarried surviving spouses are authorized the use of various morale, welfare, and recreation 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. You are, however, authorized use of commissary facilities in the United States regardless of store adequacy.

c. Your military ID card is sufficient proof of eligibility.

2-9. Overseas installation privileges

a. Many retired soldiers who have traveled overseas have been disappointed to learn that they are not permitted to use the service facilities of an overseas U.S. military base—a privilege to which they normally would be entitled within the United States. Army regulations regarding exchange and commissary privileges for retired soldiers are applicable overseas only to the extent agreed upon by the foreign governments concerned. 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 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 to you. Your Retirement Services Officer (RSO) can provide you with their current address.

2-10. Locating former and retired soldiers

a. 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. Therefore, if you want to contact a former or retired soldier, use the procedure below—

(1) Write a letter to the soldier.

(2) Place that letter in a *stamped* envelope.

(3) Write the soldier's name across the front of the envelope.

(4) Write your name and address in the top left hand corner of the envelope.

(5) Place the envelope in another stamped envelope addressed to—

(a) For former soldiers with a remaining reserve obligation and for retired soldiers— Commander, ARPERCEN, ATTN: DARP-PAS-EVS, 9700 Page Boulevard, St. Louis, Missouri 63132-5200.

(b) For former soldiers with no further reserve obligation— National Personnel Records Center, ATTN: Army Records, 9700 Page Boulevard, St. Louis, Missouri 63132-5200.

(6) Include a note with additional information, if available, about the soldier. Since there may be as many as 100 soldiers with the same first name and surname, information such as a social security number, rank, and date of birth of the soldier will be helpful.

b. You will be notified only if the letter cannot be forwarded. Former soldiers with no further reserve obligation are not required to maintain a current address at the National Personnel Records Center. Your letter will be forwarded to the last known address of the former soldier.

Chapter 3 Retirement Services Program

3-1. Overview

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 your well being, and wants to keep you informed of the benefits and privileges to which you, your 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 you and your family members before retirement, and for up to 60 days after retirement.

3-2. Retirement Services offices

Retirement Services offices have been established at most major

Army installations. A listing of Retirement Services offices is published annually in the Army Echoes retiree bulletin. People in these offices are available to assist you with military retirement matters. You are invited to write or visit these offices when you need help.

3-3. Handbook for Retiring Soldiers and Their Families (DA Pam 600-5)

a. This handbook outlines your military status after retirement, discusses benefits and privileges, and provides other information which may be helpful in administering your 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 Army retired pay. In the case of a retired reserve soldier with 20 qualifying years, entitlement to receive Army retired pay is not established until age 60.

c. Make this handbook available to your family members since it contains information concerning rights, benefits, and privileges to which they are entitled as a result of your military service. You are urged to review and discuss with your family, chapters 9, 11, 12, 13, 14, and 15 of the handbook which discuss survivor benefits.

d. This handbook replaces the Handbook on Retirement Services for Army Personnel and Their Families (DA Pam 600-5), dated August 1982, which was issued to those who attended pre-retirement orientations during their military careers.

3-4. Army Echoes

Army Echoes is a bulletin published, and mailed quarterly to retired soldiers and surviving annuitant spouses. 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 you or your spouse's part, you are urged to read each issue of *Army Echoes* carefully and file it with this handbook.

3-5. Chief of Staff, Army, Retiree Council Program

a. In March 1972, the Army Chief of Staff Officer and Enlisted Retiree Councils were established as part of the Army Retirement Services Program. In 1990, the two councils were combined into one CSA council with a retired lieutenant general and a retired sergeant major serving as its co-chairpersons. The objectives of the council are to provide the Army an insight into the problems of retired soldiers, and to provide retired soldiers—

- (1) a means of communicating with the Active Army, and
- (2) an opportunity to analyze decisions, policies, and laws which affect them, and to actively participate in the programs concerned with their well being.

b. The membership includes retired officer and enlisted soldiers. Members must be retired from the Army for length of service or permanent disability. The Council has a disability retired soldier, female retired soldier, a title III retired soldier, and two overseas resident retired soldiers (one from the European area and one from the Pacific area).

3-6. Installation retiree councils

Retiree councils have also been established at most Army installations. Issues raised by these councils are either solved at the local level or submitted as recommendations for the Chief of Staff Army Council to consider, if the recommendation has Army-wide implications. You can take part in this program by volunteering to serve on your local installation retiree council. Volunteers serving on the Chief of Staff, Army Retiree Council are nominated from retired soldiers who serve on installation councils.

3-7. Retired Army Lapel Button

a. You 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.

b. This time-honored seal represents the Army and its traditions. The ring stands for completing military service, the olive color

refers to the basic color of the Army, and the stars are a national and military symbol.

c. You were issued a lapel button at your retirement. It also can be purchased from the Army and Air Force Exchange Service or military specialty stores.

3-8. Retired Army Shoulder Patch

The Army has authorized a "U.S. Retired" shoulder patch which retired soldiers can wear on the left shoulder of their uniform at official functions or on civilian clothing (See para 4-8 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.

3-9. Community relations

a. You can be a valuable link between the Active Army and the general public. Your knowledge makes you an effective spokesperson for the Army in the civilian community. Your example and influence can help the Army maintain the kind of public support essential to our national defense.

b. 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, you can help them work together toward common goals.

c. There are many ways in which you can serve as an active representative of the Army in your community. Speak before civic groups, professional and business clubs, and veterans' organizations. Write newspaper articles on military subjects of current interest to the Active Army. Explain your opinion of the Army's position in letters to the editors of newspapers, and in your conversations with friends and neighbors.

d. You can help other transitioning soldiers by asking local employers to join the Army Employer Network (AEN), a component of the Army Career and Alumni Program (ACAP). The AEN is a network of employers who have recognized the value of former soldiers as employees. Employers in the network list those occupations for which they continually recruit and the way former soldiers may contact them. Tell managers and human resources departments about the AEN and have them call the ACAP information line, 1-800-445-2049. The AEN is free to participating employers.

e. The Army hopes that you will do your part in maintaining, and strengthening the prestige of the Army, and promoting good will between the Army and the general public. Contact your installation's public affairs officer for more ways to help in the field of community relations.

3-10. Army Community Services Program

a. Army Community Services (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 the following ACS programs which are provided in over 150 locations Army-wide—

(1) Information, Referral, and Follow-Up links soldiers and families with appropriate military and civilian resources.

(2) Relocation Assistance provides consultation to soldiers and families which enables them to effectively prepare for the mobile military lifestyle. Relocation planning assistance ranges from simple information sharing, briefings, and workshops, to individualized attention. An automated system provides accurate and timely answers to the most frequently asked questions about new locations. Orientations, other welcoming services, and individual sponsor training enable the newcomers to settle quickly into their new homes.

(3) Outreach emphasizes personal contact by taking services, and activities to soldiers, and families who do not live on the Army post. This program is especially important overseas, and helps create a sense of belonging to the Army community.

(4) Consumer Affairs and Financial Assistance helps soldiers and families reach and maintain a sound financial posture and function as knowledgeable consumers. The program provides education and guidance on budget development, use of credit, insurance, debt liquidation, and checkbook management.

(5) Family Member Employment Assistance supports the job-seeking efforts of soldiers' family members through a comprehensive employment information and referral service which includes federal and civilian job opportunities. The program also offers employment-related training opportunities.

(6) The Exceptional Family Member Program offers comprehensive assistance for Army family members with special social, medical, or personal needs. The program considers the exceptional family member's needs when the soldier is due to be assigned or reassigned.

(7) The Family Advocacy Program addresses the problems of child abuse and neglect, and spouse abuse and, in many locations, includes a foster care service. The program provides services to strengthen family coping and parenting skills, and to prevent abuse.

b. A corps of volunteers supports the full-time staff in ACS. You are encouraged to become an ACS volunteer.

3-11. 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 life-style, are in demand as volunteers. You can provide a vital service for the Army's family support programs. If you or your family members would like to volunteer, contact your installation volunteer coordinator. It is not necessary that you volunteer 40 hours a week or five days a week. Even one day or one hour can provide a vital service.

3-12. Assistance to local Army recruiter

You can 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. Local recruiters can supply information as to how you can help.

Chapter 4 Military Status of Retired Soldiers

4-1. Composition of Retired List

At retirement you are placed on one of the following lists:

a. *U.S. Army Retired List.* Regular Army 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 U.S. Army Retired List.

b. *Army of the United States Retired List.* The Army of the United States Retired List is for officers, other than Regular Army officers, who are members and former members of the Reserve Components (U.S. Army Reserve and Army National Guard of the United States) and soldiers who served in the Army of the United States without component who are granted retired pay under any provision of law. This list is also for 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.* The Temporary Disability Retired List (TDRL) is for officers, warrant officers, and enlisted soldiers who are retired for disabilities which may or may not be permanent.

4-2. Temporary Disability Retired List

a. Soldiers placed on the TDRL must take a physical examination at least once every 18 months at a time and place designated by the U.S. Total Army Personnel Command (PERSCOM). After each

periodic reevaluation, including review at Headquarters, 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 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; or

(4) be removed from the TDRL with a finding of physically fit. A soldier who is found to be physically fit will be reappointed or reenlisted, 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 AFCS, 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 onselection, 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 reappointed.

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. If you are on the TDRL, report immediately any change of address to the Commander, U.S. Total Army Personnel Command, ATTN: DAPC-POS-RD, 200 Stovall Street, Alexandria, VA 22332, to ensure you receive notification of your next periodic medical examination. Soldiers traveling or living abroad also are required to undergo a medical examination at least once every 18 months. If you fail to report for an examination after receipt of notification, your disability retired pay may be terminated.

d. Soldiers on the TDRL who have waived their Army retired pay to receive disability compensation from VA must continue to take periodic medical examinations when ordered by the Secretary of the Army. If you are a patient in a VA hospital at the time you are scheduled to undergo the periodic examination, notify PERSCOM at the address just cited. PERSCOM will then obtain a report of your condition from VA. This report may take the place of the usual examination.

e. When corresponding with PERSCOM, print or type your full name as it appears in your military records, and include your Social Security number. If you have served in more than one status (enlisted, warrant, commissioned), include all of your service numbers.

f. Soldiers on the TDRL are authorized travel allowances to and from the medical examination facility. Reimbursement usually is made at the facility.

g. If for any reason you were not reimbursed for travel expenses, contact the commander of the facility where you were examined. If the examination was at a Navy, Air Force, or VA facility, write to the Commander, Retired Pay Operations, Dept. 93, DFAS-IN, Indianapolis, Indiana 46249.

h. Transportation Requests (TRs) can be obtained from the nearest military installation. The TR will allow you to travel at no personal expense if you cannot cover the travel expenses to the medical facility.

4-3. Advancement on the Retired List

a. 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 pamphlet. The Army agency responsible for such actions, the U.S. Army Reserve Personnel Center (ARPERCEN), applies the most current criteria at the time the retired soldier has completed 30 years service.

b. If ARPERCEN advances you on the AUS Retired List and notifies DFAS, DFAS will compute your pay on the basis of the advanced grade, beginning on the day after you complete 30 years service. The military pay schedule in effect at the time of your retirement, plus subsequent cost-of-living adjustments, if applicable, will be used.

c. If advancement to a higher officer or warrant officer grade will result in unavoidable reduction in retired pay entitlement, the enlisted soldier or warrant officer concerned will be consulted before the advancement to the higher grade. Once an advancement is ordered, there is no law to permit an enlisted soldier or warrant officer to continue to receive the greater retired pay under the original retirement provisions. Before issuing an advancement order to an enlisted soldier or warrant officer, ARPERCEN will request retired pay data from DFAS-IN. This data will be furnished to the soldier under advancement consideration to allow him or her to refuse an advancement offering a lesser entitlement before the order for advancement is issued.

d. Officers placed on the U.S. Army Retired List are not eligible by law for advancement to the highest grade served on active duty when their active duty service plus service on the retired list totals 30 years. An officer's retired grade is determined by law as of the date the officer is placed on the retired list.

4-4. Reserve status of retired soldiers

a. The U.S. Army Reserve consists of the Ready Reserve, the Standby Reserve, and the Retired Reserve. Each soldier of the U.S. Army Reserve is placed in one of these categories.

b. 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.

c. 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.

d. 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 ARPERCEN 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.

4-5. 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.

4-6. 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. Hip pocket orders, effective upon declaration of full mobilization, are issued to retired soldiers to fill these requirements. When recalled, upon reporting for active duty, retired soldiers free 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, ARPERCEN will issue orders recalling those selected.

c. Retired soldiers may be recalled up to age 64 for general officers, 62 for warrant officers, and 60 for all others. Eligible retired soldiers will fall into one of three categories. Category I retired soldiers are those who meet the age and grade criteria, were not retired for permanent disability, have a CONUS address, and have been retired fewer than 5 years. Those in Category I will be usually be recalled first. Category II retired soldiers must meet the same qualifications as Category I retired soldiers but will have been retired for more than 5 years. Those in Category II will usually be recalled after those in Category I. Category III includes all other retired soldiers, including permanently disqualified disability retired soldiers. Those in Category III generally will not be recalled. However, retired soldiers in Category III may volunteer for mobilization. Requests for mobilization of retired soldiers in Category III will be handled by ARPERCEN on a case-by-case basis.

d. A soldier of 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.

4-7. Military titles and signatures

You are permitted to use your military title subject to the restrictions discussed in paragraph 5-8.

4-8. Wearing of the uniform

a. Wearing your uniform after retirement is a privilege granted in recognition of your faithful service to your country. You should exercise this privilege whenever possible and in such a manner as to reflect credit upon yourself 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 on active duty will wear the uniform and insignia prescribed for soldiers in the Active Army or corresponding grade and branch.

d. 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, but may not mix the two uniforms. The grade worn will be as shown on the retired grade of rank line on the retirement order.

e. Retired soldiers not on active duty are not authorized to wear shoulder sleeve insignia except as follows:

(1) Junior ROTC instructors will wear the TRADOC 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.

f. Retired soldiers not on active duty are not authorized to wear the Army uniform when they are instructors or responsible for

military discipline at an educational institution unless the educational institution is conducting courses of instruction approved by the Armed Forces.

g. 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.

h. If there is any doubt about wearing the uniform to a function, write to the commander of the nearest Army installation. Retired soldiers in a foreign country should write to the American Embassy, the American Consulate, or to the local U.S. military authority. The Retirement Services Officer serving your area also can provide assistance in this regard.

4-9. 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 the Commander, U.S. Army Soldiers Center, ATTN: DARP-PAS-EAW, 9700 Page Boulevard, St. Louis, MO 63132-5200. Because of the large volume of correspondence, it may take more than 6 months to receive a response.

b. The original issue of all decorations and service medals is made without cost to the awardee. 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 dealers in military insignia.

c. The Department of Army does not become 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.

4-10. 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.

4-11. The Department of Veterans Affairs

a. Retirement is considered the same as discharge or relief from active duty for purposes of 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 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 is available in all 50 States. Consult your local telephone directory under United States Government, Veterans Administration, for the number to reach a VA representative.

c. Publications describing benefits administered by VA may be obtained at no cost from the nearest VA office.

4-12. 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.”

b. 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.

c. AER assistance is available primarily through AER sections at Army installations worldwide. When there is no AER section convenient to you, 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. With these different outlets, AER assistance is available anywhere you may need it.

d. AER does not solicit funds outside the Army. The AER Annual Fund Campaign is conducted at Army installations from 1 March to 1 July. Contributions from retired soldiers may be sent to the nearest AER section or to Headquarters, AER, Department of the Army, 200 Stovall Street, Alexandria, VA 22332.

Chapter 5 Employment Restrictions on Retired Soldiers

5-1. Standards of conduct

a. You should not engage in personal or professional activities which are incompatible with the standards of conduct expected of you when you were on active duty. 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. The general context of the more important provisions is explained in this chapter. If you have any doubt as to whether you may be in violation of a particular law by accepting employment with the Federal Government or with a firm doing business with the Government, obtain advice on the matter from the Ethics Counselor of the organization from which you retired or at the nearest military legal office.

c. All retired officers should read paragraph 5-12 and be sure to make timely submission of any information required by the Department of the Army concerning their employment activities.

5-2. Dual compensation

a. Retired soldiers are not precluded from holding civilian positions with the United States Government or its instrumentalities and will receive the full salary of the civilian office.

b. Retired regular commissioned and warrant officers ordinarily will have their retired pay reduced to an annual rate equal to a specified amount of such pay, plus half the remainder. The specified amount is increased in direct proportion to cost-of-living increases to military retired pay. Current amounts can be obtained from any RSO.

c. The Civil Service Reform Act of 1978 imposed a further limitation on all retired soldiers who first received retired or retainer pay after 11 January 1979, and became employed in a Federal civilian position after that date. While they are entitled to the full salary of the civilian position, if the amount of that salary combined with military retired pay exceeds the rate of pay for Executive Level

V, a reduction of the military retired pay is required to reduce the combined pay to an amount equal to Level V pay plus any Survivor Benefit Plan deduction. Current amounts can be obtained from any RSO. If your retired pay is based on disability resulting from injury or disease received in the line of duty as a direct result of armed conflict or caused by an instrumentality of war, and incurred in line of duty during a period of war, it will not be reduced.

d. If eligible, you may waive your retired pay, and accept instead compensation from VA. VA compensation is not regarded as retired pay, and thus is not subject to the Dual Compensation Act.

5-3. Employment in Department of Defense

a. The Dual Compensation Act of 1964 prohibits the employment of any retired member of the Armed Forces with the Department of Defense (including its nonappropriated fund activities) within 180 days following retirement.

b. The foregoing does not apply when—

(1) The employment began between 6 November 1990, and 5 November 1992, because Congress waived this restriction for this period. As of the effective date of this pamphlet, legislation has not been enacted to extend the waiver provision.

(2) The appointment is authorized by the Secretary of a military department and, if appropriate, the Office of Personnel Management, or

(3) A state of national emergency exists.

c. The foregoing is not to be interpreted as preventing application for any position for which you feel you are qualified and meet the usual civil service requirements for such a position.

5-4. Business activities

a. Generally speaking, there is no provision of Federal law which prevents you 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 you may receive from private employment, nor does the receipt of salary from a private firm have any effect on the amount of retired pay you receive.

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 nonappropriated 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 nonappropriated 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) Negotiating a contract.

(3) Contacting an officer or employee of the Department of Defense for the purpose of obtaining or negotiating contracts.

(4) Negotiating or discussing changes in specifications, price, cost allowances, or other terms of a contract.

(5) Any other activity that ultimately is consummated by a sale even though the actual contract is negotiated by another person.

e. The Comptroller General has adopted the position that precontract 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.

f. 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.

g. 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, Indianapolis Center, Indianapolis, Indiana 46249-1536 will advise retired personnel concerning the propriety of various proposed activities. Questions submitted to the Finance Center 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.

5-5. 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 the Commander, US Army Reserve Personnel Center, ATTN: DARP-PAR-SCI, 9700 Page Boulevard, 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.

(4) Date of retirement from active duty.

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 specified in AR 600-291 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.

5-6. Representation of interests contrary to the United States

a. Retired commissioned and warrant officers of the Regular Army within 2 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 with AR 632-35, which deals with filing notices of appearance. Copies of Army regulations are available for examination at Army installations.

5-7. 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.

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.

5-8. Use of military titles

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 the 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 nonregular 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.

5-9. Submission of written material for review

a. You 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. You are personally responsible for insuring that the information you release or make available for release to the public is consistent with the national security. (See AR 380-5 and para 5-10, below.) If you have any doubts as to whether the material prepared for publication may violate security regulations, you 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 with 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.

5-10. Security program

You have a continuing responsibility to safeguard classified information of which you have knowledge. At the time of retirement, each member having access to classified information is given an oral debriefing and is required to sign DA Form 2962 (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.

5-11. 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—

b. The Department of Defense Industrial Security Regulation (DOD 5220.22-R) contains the provisions for the conversion of security clearances held while on active duty to industrial security clearances.

c. A request for conversion 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.

d. Contractors employing personnel eligible for conversion of 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) (Updating) and duplicate of 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.

5-12. Reports by retired officers

a. Retired Army officers are required to submit certain reports and information relating to their employment to the Department of the Army. These reports keep the Army advised of the status of its

retired officers and help protect retired officers from inadvertent violation of statutory prohibitions and restrictions.

b. Retired Regular officers and warrant officers (except those retired for disability resulting from injury or disease received in the line of duty as a direct result of armed conflict or caused by an instrumentality of war) must report all civilian employment with the US Government to the Defense Finance and Accounting Service, Indianapolis Center, ATTN: Dept. 90, Indianapolis, IN 46249.

c. Retired officers should notify the Finance Center when any provisions of law relating to prohibited activities apply to them, and when their status changes, and the law ceases to relate to their activities.

5-13. Report of Department of Defense and Defense-Related Employment

a. If you meet the following criteria, you must file DD Form 1787 (Report of DOD and Defense-Related Employment) as required by Public Law 91-121—

(1) Retired in the grade of major or above,

(2) During any part of any fiscal year were employed by or performed services for a Defense prime contractor who, during such year, received \$10,000,000 or more in Defense contracts awards, and such employment or service was at a salary of \$25,000 or more per year. A report is not required for such employment if it began two or more years after extended active duty was terminated.

b. You must file the initial DD Form 1787 within 30 days after the date on which you begin employment with the Defense contractor. You must file subsequent reports each time, during the two-year period, that service with the Defense contractor significantly changes or you begin employment with another Defense contractor. Such reports must be filed within 30 days after the date of the change. File DD Form 1787 with the Ethics Counselor at your last duty station.

c. DD Forms 1787 and their prescribing directive may be obtained from Army transfer activities. Many of the Defense contractors also have forms for their employees. Reproduced forms may be used. If forms are not available from these sources, they may be obtained from the Ethics Counselor at the nearest military installation.

d. Failure to file a report under Public Law 91-121 carries a sentence of a maximum of six months imprisonment, or a fine of not more than \$1,000, or both.

Chapter 6 Retired pay

6-1. 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. This equates to from 34 percent to 58 percent of Basic Military Compensation.

6-2. 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 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) First entered a uniformed service before 8 September 1980.

(a) 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 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.

(b) Compute retired pay based on disability by multiplying the

basic monthly pay by the percentage of disability, or by using the formula in 6-2 *b* (1)(*a*), whichever results in a greater amount.

(2) First entered a uniformed service between 8 September 1980 and 31 July 1986. Compute pay using the formulas in paragraph 6-2 *b* except use the average basic pay for your three highest earnings years rather than final basic pay. DFAS-IN will determine during which three years of your total Army career you received the highest basic pay. They will then calculate the average of these three years and use that number to determine your retired pay.

(3) 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). Your retired pay will be calculated on the average basic pay for your three highest earnings years, times 2.5 percent for each year of creditable service, minus one percentage point for each year less than 30 years of service.

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 pay. Soldiers on the Temporary Disability Retired List (para 4-2) 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.

6-3. 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, will have their retired pay electronically transferred to their financial institution on the first business day of each month. Retired pay is administered by Retired Pay Operations, DFAS, Indianapolis Center, Indianapolis, IN. 46249-0001.

b. Retired Pay Operations will mail a pay statement to you when your account is established. Revised statements will be sent only when a change occurs in your retired pay amount.

c. If you wish to change your account, Retired Pay Operations 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 be over your written signature and include your Social Security number.

d. 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 Retired Pay Operations.

6-4. Method of payment

a. Soldiers who retired on or after 1 October 1990 must have retired pay sent by EFT to a financial institution. If retired pay will continue to the same financial institution as the active duty pay, a new form is not necessary. You must, however, know the routing number and the account number of the financial institution. To initiate a direct deposit of retired pay by EFT, contact your financial institution for an SF 1199A (Authorization for Deposit of Federal Recurring Payments). This form must be completed by the financial institution and submitted by the retiring soldier to the military finance activity during outprocessing.

b. Checks of retired soldiers residing in certain overseas areas are mailed directly to the individual.

c. 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, you should submit, over your signature, a request for stop payment of the missing check to Retired Pay Operations, Dept. 93, DFAS-IN, Indianapolis, IN 46249. A delay in the issuance of a substitute check should be anticipated.

6-5. Retired pay mailing address

a. You must report pay and residence changes of address to Retired Pay Operations, Dept. 94, DFAS-IN, Indianapolis, IN

46249. Notification of changes of address must be over your signature.

b. A request for a change in address or a change in the name of the payee should be received in Retired Pay Operations on or before the 10th day of the month in which you wish the change to occur.

c. A request for a change of home address must be made even if the retired soldier waived retired pay in favor of VA compensation or a civil service annuity, or if pay is deposited in a bank or financial institution. A separate home address file is maintained by Retired Pay Operations for correspondence purposes.

6-6. Increases in retired pay

Military retired pay is usually cost-of-living (COLA) adjusted annually on 1 December. All COLA changes will be reported in Army Echoes.

6-7. Report of existence

a. Certain retired soldiers are required to file reports of existence cards with Retired Pay Operations, DFAS-IN. A decision by the Comptroller General of the United States requires reports of existence by retired soldiers when—

(1) Retired pay is payable to a third party on behalf of a retired soldier who is incompetent.

(2) The retired soldier or SBP annuitant lives overseas.

(3) There is doubt as to the existence of an individual and it is deemed to be in the best interests of the Government to continue the requirement for reports of existence.

b. The report of existence 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.

c. In the case of an incompetent soldier, or a soldier or annuitant living outside CONUS, the report of existence will be sent separately with every pay. It must be completed and returned not later than the 20th day of the month to ensure prompt mailing of the check. Retired pay will be suspended pending receipt of the report. A report of existence is a notification to the Finance Center that the retired soldier or annuitant was alive on the last day of the month for which payment is due.

6-8. 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 Veteran's Educational Assistance Program (VEAP).

b. The only allotments authorized to be established or changed after retirement are—

(1) Purchase of US Saving Bonds.

(2) Payment of life insurance premiums where the primary insured is the retired soldier (one allotment per insurance company).

(3) Voluntary liquidation of debts due the US Government.

(4) Support payments for support of a spouse, former spouse, or child of the retired soldier having a permanent residence other than that of the retired soldier.

(5) Contributions to AER.

(6) Repayment of AER loans or American Red Cross loans.

(7) National Service Life Insurance (NSLI).

(8) Veterans Group Life Insurance (VGLI).

c. Any request to change an allotment that was transferred from active duty which is not listed as an authorized allotment after retirement will cancel that allotment unless the required change is beyond the retired soldier's control.

d. Although allotments are automatically continued from active duty pay, you may receive notices from either VA or commercial insurance companies that you have authorized allotments to be continued following your retirement, and that future allotment payments

will be received by the company from Retired Pay Operations, DFAS-IN. Do not send these notices to Retired Pay Operations.

6-9. Allotments for insurance premiums

a. You may authorize class N allotments for National Service Life Insurance. Allotments for payment of premiums for Veterans Group Life Insurance from retired pay are authorized. Class I allotments for the payment of premiums on commercial life insurance are authorized for policies on the life of the allotter only and for "family group" policies which primarily provide for life insurance on the life of the allotter.

b. If you carry the 5-year level premium term plan on Government or National Service Life Insurance, you must renew it at an increased rate every 5 years to keep it in force.

c. VA will notify Retired Pay Operations of the expiration date at the old rate, and the amount of the increased rate. Correspondence about these matters should be addressed to the Veterans Affairs Center, PO Box 8079, Philadelphia, PA 19101. You can also call VA, toll-free, at 800-422-8079, for information regarding VA insurance.

6-10. Deductions from the retired pay of participants in the Survivor Benefit Plan

Deductions for Survivor Benefit Plan (SBP) participation begin on the first day you are eligible for retired pay. The amount of the deduction is adjusted as explained in paragraph 13-2 and will continue throughout the life of the participant, except when (as applicable)—

a. Retired soldier's marriage is terminated by divorce, annulment, or death of spouse.

b. Insurable interest person predeceases the retired soldier.

c. Dependent children become ineligible.

d. The retired soldier is suffering from a service-connected disability and is rated totally disabled for a continuous period of ten years if such rating occurred subsequent to the date of retirement or is rated totally disabled for fewer than 10 years, but not fewer than 5 years from date of discharge or release from active duty, and the retired soldier withdraws from SBP with the consent of the beneficiary or beneficiaries.

6-11. Designation of beneficiary

a. At the time of retirement, you will be given an opportunity to designate a beneficiary for unpaid retired pay and allowances at the time of your death. You may change your beneficiary at any time using a DFAS-IN Form 20-232, Designation of Unpaid Retired Pay of Deceased Retired Member, or a letter similar to the following—

"I, the undersigned, canceling any and all previous designations of beneficiary or beneficiaries heretofore made by me relating to the settlement of my military accounts in the event of my death, do now hereby designate the beneficiary or beneficiaries named below to receive any unpaid pay and allowances due and payable under existing law after my death."

b. List the beneficiary's complete name, Social Security number, address, and relationship to the soldier. The statement must be signed and dated by the retired soldier, and include his or her Social Security number and the signatures of two disinterested witnesses.

c. If you designate more than one beneficiary, be sure to indicate the percentage of unpaid pay and allowances you wish each designated person to receive.

6-12. 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-IN may use retired pay that may be available, including any allotments from such pay, to satisfy the amount of the writ. The amount of writ can include all retroactive amounts for which a retired soldier may be delinquent in child support or alimony payments. DFAS-IN will

attempt to notify a retired soldier of any garnishment against retired pay.

b. The soldier's disposable retired pay is subject to garnishment. Disposable retired pay is gross retired pay less:

- (1) Amounts owed to the U.S.
- (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 or 38 (dual compensation/forfeiture or VA compensation).

(5) SBP or RSFPP cost deductions regardless of the beneficiary.
c. The garnishment amount is limited to 50 percent of disposable pay if the soldier is supporting a second family, and 60 percent if the soldier is not supporting a second family. When a soldier is more than 12 weeks in arrears for support, the limitation is 55 percent if the soldier is supporting a second family, and 65 percent if the soldier is not supporting a second family.

d. When DFAS has been served with more than one legal process, money is available on a first-come, first-served basis.

e. For division of retired pay as property, see chapter 17.

f. Compensation paid by VA is garnishable if the retired soldier waived all or part of his or her 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.

Chapter 7 Taxation of Retired Pay

7-1. Withholding tax statement

a. Retired pay, like other income, is subject to Federal income taxation unless wholly or partially exempted by statute. DFAS-IN computes the amount to be withheld from retired pay and withholds this amount. Every year, no later than the 25th of January, DFAS-IN 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 you are retired for disability, and all your retired pay is tax-free, you will not receive an IRS Form 1099-R. You are not required to report this tax-free income on your tax return. See paragraph 7-3 to determine if your disability retired pay is tax exempt.

c. Some soldiers retired for disability are entitled to claim a sick pay exclusion from their retired pay (para 7-4). 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 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 soldier's retired pay instead, and he or she will be informed by TDF Form 1042S 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 soldier's nondisability 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 annuity payable to the designated beneficiary after your death is subject to Federal income tax, but is not subject to Federal estate tax.

f. For further details on SBP tax questions, retired soldiers should consult a legal assistance attorney, a tax counsel, an official of the Internal Revenue Service, or State tax authorities.

7-2. Withholding exemption certificate

a. The amount withheld from your retired pay for income tax is determined from a wage bracket withholding table and is based on

whether you are married or single and the number of exemptions you claim. If you did not submit a withholding exemption certificate (TD Form W-4) or indicate your marital status and the number of exemptions on DA Form 4240, withholding tax will be based on one exemption, as if you were single. You may not claim more exemptions than those to which you are legally entitled. To have more tax withheld from your pay, you may claim fewer exemptions than the number authorized, zero exemptions, or ask that an additional amount be withheld. This is in case you have income from other sources and want more tax withheld to meet year-end tax liability. If the amount being withheld is still not enough, even after reducing exemptions to zero, you may request an additional "even-dollar" amount withheld from your pay each month.

b. If you or your spouse reaches age 65 during the calendar year, or becomes blind, or if there is an increase in the number of your dependents, you may gain credit for the additional exemptions by completing a TD Form W-4 and mailing it to Retired Pay Operations, Dept. 94, DFAS-IN, Indianapolis, IN 46249. TD Form W-4 may be obtained from any office of the Director of Internal Revenue and most US Post Offices. The Internal Revenue Service requires you to file a new TD Form W-4 with Retired Pay Operations within 10 days of a decrease in the number of your exemptions.

7-3. Disability retired pay

a. If you were placed on the Temporary Disability Retired List (TDRL), you will not receive less than 50 percent of your basic monthly pay while remaining on the TDRL.

b. Either all or a part of your disability retirement pay is exempt from Federal income tax, depending on when you entered into active duty, the cause of the disability, and the method you elect to compute your 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 25 September 1975. For these persons, retired pay is tax-exempt only if all of it is based on 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 24 September 1975, all retirement pay is tax-exempt if it is all based on 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.

7-4. The Department of Veterans Affairs Compensation

a. Payment received from VA is tax-exempt, but mere entitlement to the payment will not result in any tax saving until a formal waiver of equivalent retired pay has been executed.

b. If you were retired for length of service or age, it will be to your advantage to waive a part of your 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 25 September 1975, and retired for disability, since their disability retired pay is taxed. On the other hand, the disability retired pay of a soldier who entered a uniformed service before 24 September 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.

7-5. 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. Retiring soldiers may request state tax withholding by

completing a form during retirement outprocessing. Retired soldiers who do not currently have state tax withheld from retired pay but would like to may request it from DFAS-IN 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 and a minimum of \$10. All states that tax retired pay have signed withholding agreements with DFAS-IN.

7-6. Further information

Determinations in each individual tax case are made by the Internal Revenue Service or the tax authorities of the State government concerned. Answers to Federal tax questions may be obtained from

the District Director of Internal Revenue Service. Answers to state tax questions may be obtained from appropriate State officials.

Chapter 8 Department of Veterans Affairs Benefits

8-1. Overview

Many of your benefits will come from the Department of Veterans Affairs (VA). Complete information on VA benefits can be found in DA Pam 360-526, Once a Veteran. That pamphlet should have been given to you at the same time this pamphlet was. If you did not receive one, please contact your Retirement Services Officer.

8-2. VA benefits timetable

Table 8-1 is a listing of VA benefits you may be entitled to and the timeframe for application.

Table 8-1
VA benefits timetable

Time	Benefit	Where to Apply
90 days office	Dental treatment. VA provides necessary dental care for veterans who were not provided dental examination and treatment within 90 days of discharge or separation from service. The time limit does not apply to veterans with dental disabilities resulting from combat wounds or service injuries.	Any VA or medical center
Limited time	Unemployment Compensation. The amount of benefit and payment varies among states. Apply soon after retirement. Normally, retired pay will reduce unemployment benefits dollar for dollar.	State employment office
120 days or up to 1 yr if totally disabled	VGLI. Servicemen's Group Life Insurance may be converted to VGLI (Veterans Group Life Ins.)—a five-year, renewable term policy. At the end of any term, VGLI may be converted to an individual commercial policy with any participating insurance company. No physical is required.	OSGLI, 213 Washington St., Newark, NJ 07102-9990
2 years from date of notice of VA disability rating	GI Insurance. 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 on these policies and for \$20,000 additional insurance.	Any VA office
10 yrs from release from active duty or required Selected Reserve	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.	Any VA office
10 yrs	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.	
12 yrs (generally from date of notice of VA disability rating)	Vocational Rehabilitation. For 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.	Any VA office
No time limit	Disability compensation. VA pays compensation for disabilities incurred in or aggravated by military service. Compensation is tax free, but must be waived dollar-for-dollar from retired pay.	Any VA office
No time limit	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.	Any VA office or medical center
No time limit	GI Home Loan. VA will guarantee a loan for the purchase of a home, farm with a residence, manufactured home, or condominium.	Any VA office
No time limit	Employment assistance. Assistance is available in finding employment in private industry, in federal and local government.	State employment offices; local Office of Personnel Management

Chapter 9 Social Security

9-1. Overview

a. Under certain conditions, retired soldiers and their families, or their survivors, may receive monthly Social Security payments. General eligibility requirements for Social Security benefits are described in paragraph 9-2.

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 are given in the booklet, Your Social Security (SSA Publication No. 05-10035), published by the Department of Health and Human Services. A

copy of this and other informative publications may be obtained at any of the Social Security offices located throughout the United States, or by calling their toll-free number, 1-800-772-1213.

9-2. Eligibility Requirements for Social Security Benefits

a. Soldiers have had Social Security tax deducted from their active duty pay since 1 January 1957. Social Security tax is not, however, deducted from retired pay.

b. A retired soldier 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 retired soldier (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 may be drawn without an offset to either.

9-3. Types of Social Security payments

a. Retirement payments.

(1) *Worker benefit.* Workers who are fully insured may receive a full monthly Social Security benefit at age 65. Workers who retire at age 62 receive 80 percent of the full benefit they would have received had they waited until age 65 to begin drawing it. The closer the worker is to age 65 when the benefit is first applied for, the larger the benefit. Once a worker elects to take the Social Security benefit at the 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 or divorced spouse benefit.* If a worker is receiving a Social Security retirement benefit, the spouse and or divorced spouse may receive a spouse benefit based on the worker's record. The benefit will be approximately 37 and one-half percent of the worker's benefit if the spouse or divorced spouse begins drawing it at age 62. Every month the spouse or divorced spouse delays receiving the benefit it increases. A full spouse benefit of 50 percent of the worker's benefit is payable if the spouse or divorced spouse begins drawing it at age 65. Once a reduced benefit is drawn, the reduced rate is not increased when the spouse or divorced spouse turns 65. A spouse may receive a benefit at any age if caring for a child, under age 16 or disabled, who is entitled to a child's benefit based on the worker's record.

(3) *Child's benefit.* Each unmarried dependent child under age 18 (up to 19 if still in secondary school (high school and below) or of 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 payments.

(1) *Surviving spouse or divorced spouse.* A surviving spouse married at least one year, or a divorced spouse who was married for 10 or more years to a worker may be entitled to receive 100 percent of the worker's benefit at age 65. A reduced benefit may be drawn as early as the surviving spouse or divorced spouse's 60th birthday. A surviving spouse who remarries after age 60 continues to receive the surviving spouse benefit.

(2) *Caring for child.* If the surviving spouse or divorced 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 or divorced spouse benefit will be three-fourths of the worker's benefit subject to a maximum family benefit limit. The benefit to the surviving spouse or divorced 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 or divorced 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 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 of three-fourths of the worker's benefit subject to a maximum family benefit limit.

(4) *Dependent parent.* A parent who was supported by more than one half 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 or divorced spouse or child. The parent must file proof of support within two years of 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 three-fourths of the worker's benefit subject to a maximum family benefit limit.

c. *Disability payments.* An eligible worker can become entitled to disability payments at any time before age 65. A surviving spouse or divorced 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 is much stricter than for Army disability retirement or VA service-connected disability compensation. Contact Social Security for more details.

9-4. Eligibility for more than one type of benefit

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

a. *Example 1.* Tom is drawing \$750 monthly in Social Security. At age 62, his wife Mary is eligible for a benefit of \$225 on her own work record, or \$325 as the spouse of Tom (37 1/2% 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 benefit.

b. *Example 2.* Joe died leaving a 60 year old widow, Susan. Susan, at 60, could not yet draw a benefit on her own covered employment. Instead, she drew a surviving spouse's benefit of \$536, 71.1% 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.

9-5. Eligibility for a pension from work not covered by Social Security

In most cases, a person who first qualified on or after 1 July 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 the pension amount. This is called the Government Pension Offset. Call your local Social Security office for more details.

9-6. Benefits reduced for those with little Social Security covered employment

The Social Security Windfall Elimination Provision 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 1956. It would also affect a civil service retiree who perhaps had only part-time Social Security covered employment. Call your local Social Security Office for more details.

9-7. Lump-sum death payment

Upon the death of an eligible worker, a lump-sum death payment of \$255 is paid in addition to monthly benefits from any other agency. The lump-sum death payment is made only to a surviving spouse or, if there is no eligible surviving spouse, to a child eligible to draw a benefit on the worker's record.

9-8. Medicare

See chapter 10 for an explanation of Social Security Medicare.

9-9. If you need more information

a. To obtain more information about Social Security benefits, call toll-free, 1-800-772-1213, business days, 7:00 a.m. to 7:00 p.m.

b. When applying for benefits, you will need the documents listed below. If you are unable to locate them, do not delay making an application for benefits. Social Security personnel will work with you to help you obtain them.

- (1) Your own Social Security card or a record of your number.
- (2) Proof of your age—a birth certificate or a baptismal certificate made at or shortly after birth.
- (3) Your marriage certificate if you are applying for benefits as a spouse.
- (4) Your children's birth certificates if you are applying for them.
- (5) IRS Forms 1099-R from the last two years or, if you are self-employed, copies of your last two Federal income tax returns.
- (6) DD Form 214 for each period of active duty. If your service was before 1968, you'll be asked for proof of your military service when you apply for benefits. You may also be asked for proof for 1968 and after if Social Security's records don't reflect your military service.

Chapter 10 Medical Care

10-1. Uniformed Services Medical Treatment Facilities

a. Subject to the availability of space and facilities and the capabilities of the medical and dental staff, 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.

b. 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.

c. For purposes of this chapter, an eligible family member is—

- (1) A spouse.
- (2) An unremarried widow(er).
- (3) An unremarried 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 the child's 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 his or her support and residing in the retired soldier's household.

(5) The unremarried 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,

(b) does not have medical coverage under an employer-sponsored health plan.

(6) A person who—

(a) is the unremarried 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 (See para 17-4 *b*).

(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 1 April 1985, except that the term does not include the person after the end of the one-year period beginning on the date of that final decree (See para 17-4 *b*).

10-2. Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)

a. CHAMPUS is the Civilian Health and Medical Program of the Uniformed Services. Through CHAMPUS, service families have one of the best health plans anywhere. CHAMPUS shares most of the costs of care from civilian hospitals and doctors when you cannot get care through a military hospital or clinic. There are, however, certain things you need to know about CHAMPUS before using it.

b. CHAMPUS is intended as a supplement to your benefits from a military hospital or clinic, but it does not duplicate those benefits. The most comprehensive and lowest cost care is available from military medical facilities. Also, CHAMPUS recognizes different categories of eligible persons, for whom available benefits and costs vary.

c. Some people are not eligible for CHAMPUS, such as active

duty military, parents, parents-in-law, and most persons eligible for Medicare hospitalization insurance (Part A).

d. CHAMPUS is not free. You must pay part of your medical costs, as well as everything CHAMPUS does not cover.

e. Because CHAMPUS does not pay the total cost of civilian medical care, a CHAMPUS supplement is advisable. CHAMPUS supplements may be obtained from most of the military associations. Your Health Benefits Advisor should also have a listing of associations that offer CHAMPUS supplements.

f. CHAMPUS does not cover all health care. There are special rules or limits on certain care, and some care is not covered at all.

g. CHAMPUS 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).

h. You or your provider must file claims before CHAMPUS can pay its share of the bills. It's important to fill out the claim form correctly and to include any necessary paperwork.

i. All CHAMPUS-eligible persons must be enrolled in the DEERS eligibility-checking system before CHAMPUS claims can be paid.

j. It's important to get to know your Health Benefits Advisor (HBA). The HBA's job is to help you get the medical care you need—at the best price and in the most convenient manner. There's an HBA at each military hospital and at most clinics. Also, your HBA can give you a copy of the latest CHAMPUS handbook which provides more details about the program. To get in touch with your nearest HBA, call the information number at the local military base or hospital.

10-3. Department of Veterans Affairs (VA) Medical Care

a. *Medical benefits.* As a retired soldier eligible for retired pay, you may have dual eligibility for VA medical benefits as a VA beneficiary and as a beneficiary of the Department of Defense. When you apply for care at a VA medical facility, a determination is first made whether you are eligible 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.

b. *Discretionary.* If you fall in the "discretionary" eligibility category, you are eligible for VA medical care as a VA beneficiary only after you agree to make a copayment. If you do not agree to make a copayment, VA health care may be offered to you 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.

c. *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 nonservice-connected veterans are eligible for cost-free VA medical care. These income levels are adjusted on 1 January of each year.

d. *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.

e. *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.

f. *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.

g. *Eligibility assessment.* The following eligibility assessment applies to all other nonservice-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 nonservice-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.

h. *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.

i. *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.

j. *VA outpatient care eligibility.* Outpatient medical services shall be furnished to certain veterans and may, at the discretion of the Secretary, be provided to other veterans to the extent resources and facilities are available according to the following criteria—

(1) VA shall furnish outpatient care without limitation—

(a) To veterans for service-connected disabilities.

(b) For any disability of a 50% or more service connected disabled veteran.

(c) For any condition to prevent the need for hospitalization, to prepare for hospitalization; or to complete an episode of treatment after hospitalization, nursing home care, or domiciliary care.

(d) To a 30% or 40% service-connected disabled veteran.

(e) To a veteran whose annual income is not greater than the maximum annual pension rate of a veteran in need of regular aid and attendance.

(2) VA may furnish outpatient care without limitation to—

(a) A veteran in a VA approved vocational rehabilitation program.

(b) Former prisoners of war.

(c) WWI or Mexican Border period veterans.

(d) Aid and attendance to house-bound pension recipients. (This means veterans who receive increased pension or compensation based on the need of regular aid and attendance of another person or who are permanently housebound.)

(3) VA may furnish outpatient care to prevent the need for hospitalization; to prepare for hospitalization; or to complete an episode of treatment after hospitalization, nursing home care, or domiciliary care to—

(a) Any veteran rated 0% through 20% service-connected for a nonservice-connected condition.

(b) Veterans exposed, during service in Vietnam, to a toxic substance or ionizing radiation following the detonation of a nuclear device.

(c) "Mandatory" category veterans whose income is more than the pension rate of a veteran in need of regular aid and attendance.

(d) "Discretionary" category veterans, subject to a co-payment of \$30 for each outpatient visit.

k. *Prescription medication.* Veterans receiving medications on an outpatient basis from VA facilities, for the treatment of a nonservice-connected disability or condition, are required to make a co-payment of \$2 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.

l. *Dental care.*

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

(2) Eligibility for dental care will be provided under the following conditions—:

(a) Dental conditions or disabilities that are service-connected and compensable in degree will be treated.

(b) Service-connected dental conditions or disabilities that are not compensable in degree may receive one-time treatment if the conditions can be shown to have existed at discharge or within 180 days from active service. Veterans must apply to VA for care for the service-connected dental condition within 90 days following separation. Veterans will not be considered eligible if their separation document indicates that necessary treatment was completed by military dentists during the 90 days prior to retirement. Veterans who served on active duty for 90 days or more during the Persian Gulf War are included in this category.

(c) Service-connected, noncompensable dental conditions resulting from combat wounds or service injuries, and service-connected noncompensable dental conditions of former prisoners of war who were incarcerated less than 90 days may be treated.

(d) Veterans who were prisoners of war for more than 90 days may receive complete dental care.

(e) Veterans also may receive complete dental care if they are receiving disability compensation at the 100-percent rate for service-connected conditions or are eligible to receive it by reason of individual unemployment.

(f) Nonservice-connected dental conditions that are determined by VA to be associated with and aggravating service-connected medical problems may be treated.

(g) Disabled veterans participating in a vocational rehabilitation program may be treated.

(h) Veterans may be treated for nonservice-connected dental conditions or disabilities for which treatment was begun while in a VA medical center, when it is professionally determined to be reasonably necessary to complete such dental treatment on an outpatient basis.

(i) Veterans scheduled for admission to inpatient services or who are receiving medical services may be provided outpatient dental care if the dental condition is professionally determined to be complicating a medical condition currently under treatment by VA.

(j) Veterans with no service-connected disability whose incomes exceed the income threshold amount applicable to hospital care eligibility may be authorized treatment only if they agree to pay the applicable copayment.

m. *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 also are used. 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 beyond filling out VA Form 10-10f, Financial Worksheet, 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.

n. *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 nonservice-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.

10-4. Social Security Medicare

a. *What it is.* Medicare is our country's 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 your medical expenses.

b. *CHAMPUS.* CHAMPUS coverage stops when you become eligible for Medicare. An exception is made for the person under 65 who becomes eligible for Social Security disability. CHAMPUS 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 people 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 you are receiving Social Security benefit payments when you turn 65, hospital insurance is automatic. If you are not receiving Social Security payments at 65, contact your Social Security office no earlier than 3 months prior to your 65th birthday. Most people 65 or older are eligible for Medicare Hospital Insurance based on their own or their spouse's employment. You will be eligible at 65 if you are getting Social Security; or if you are not getting Social Security, but you have worked long enough to be eligible for it; or you would be entitled to Social Security based on your spouse's work record, and your spouse is at least 62 (your spouse does not have to apply for benefits in order for you to be eligible based on your spouse's work record). Before age 65, you are eligible for Medical hospital insurance if you have been getting Social Security disability benefits for 24 months, or you have worked long enough and you meet the requirements of the Social Security disability program. Under certain conditions, your spouse, divorced spouse, widow(er), or a dependent parent may be eligible for hospital insurance when he or she turns 65, based on your work record. Also, disabled widows(ers) under 65, disabled divorced widows(ers) under 65, and disabled children may be eligible for Medicare.

e. *Medical insurance.* Medicare medical insurance helps pay for your 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 you don't sign up for medical insurance during the initial enrollment period, your monthly premium will increase 10 percent for each year you delay enrollment. Then, you may only sign up between 1 January and 31 March annually, and your 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. You do 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 cannot pay all of your 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 local Social Security Office.

Chapter 11 Survivor Assistance

11-1. 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. It is suggested that retired soldiers read the following pages carefully with their families.

b. In planning for the future, it is important to remember that there is no form of compensation or pension which is paid to the survivors of all retired soldiers. Army retired pay stops when the retired soldier dies unless the retired soldier was a participant in the Survivor Benefit Plan (SBP).

c. Retired soldiers should make sure their families understand that applications must be made to the appropriate Government agencies before survivor benefits can be paid. It is strongly urged that retired soldiers advise their families to file applications for any benefits for which they might be eligible.

11-2. Preparing a will

a. One of the first steps you should take in preparing for the future is to make a will which expresses your wishes for the distribution of your estate. A ready-made will or mimeographed 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. Your estate can be settled faster if the will is retained in your community.

11-3. 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. You can minimize such difficulties by keeping a list of your assets, and the location of documents which will be needed to apply for them.

b. There are various papers and documents which should be readily accessible to your spouse or next of kin at the time of death. These include your will, life insurance policies, bankbooks, stocks and bonds, deeds to property, Social Security card, birth certificates, last retired pay statement, and DD Form 214.

c. It is also 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, and when applying for other benefits. Equally important is proof of termination of any other marriages by the retired soldier or spouse.

11-4. Army assistance to survivors

a. The primary next of kin of a deceased retired soldier should

notify the casualty assistance section of the nearest military installation promptly at the time of a retired soldier’s death. That military installation will take care of notifying the proper authorities. If the next of kin does not know the location of the nearest military installation, they may call the Army Casualty Directorate of PERSCOM in Alexandria, Virginia collect at (703) 325-7990. PERSCOM will provide a telephone number where the next of kin may call to report the death, and obtain a casualty assistance officer. A casualty assistance officer will be appointed unless the next of kin desires otherwise. The casualty assistance officer extends condolences, assists the next of kin in applying to the different Government agencies for the payments and benefits to which the next of kin may be entitled, and provides general help and guidance.

b. If the deceased retired soldier was receiving compensation or pension from VA, VA must be notified.

c. You are urged to tell your spouse or next of kin about the Army’s casualty assistance program.

11-5. Army Emergency Relief

a. Army Emergency Relief (AER) is a source of help to which spouses and orphans of soldiers may turn in case of need. AER provides financial assistance to needy spouses and orphans of soldiers who die while on active duty or after retirement.

b. The casualty assistance officer will assist the spouse and orphan(s) in applying for financial assistance from AER. If the need for financial assistance arises at a later date, application may be made to the nearest AER section located at most Army installations, to your local American Red Cross Chapter, or direct to Headquarters, AER, Department of the Army, 200 Stovall Street, Alexandria, VA 22332.

11-6. Other assistance to survivors

a. There are certain organizations from which the survivors of a retired soldier may receive assistance.

b. Most veterans organizations are happy to provide advice and assistance.

c. If an officer was a member of the Army and Air Force Mutual Aid Association, the surviving spouse or next of kin is urged to communicate with this association at Fort Myer, VA 22211, as soon as possible after the retired soldier’s death. The Association can assist the survivors with claims for VA compensation, Survivor Benefit Plan annuities, and all commercial and Government life insurance policies, as well as provide help and advice on many other matters.

d. The American Red Cross, through the combined efforts of staff in local chapters and in VA offices, assists in preparing and developing claims for VA benefits. Chapter and national staff work together in helping with requests for review and correction of military records. Chapter workers also help with applications for other Federal and State benefits, including those available under the Survivor Benefit Plan. The Red Cross provides information, and help in obtaining needed services from other agencies, offers counseling in personal and family problems, and assists in planning to meet financial needs. By agreement with Headquarters, AER, Army retired soldiers and their families may apply to the local Red Cross chapter. If needed assistance is not available through the Red Cross or another local agency, the chapter will refer the request through Red Cross channels to Headquarters, AER. If assistance is approved, the chapter will advance the funds, and be reimbursed by AER.

e. The local Red Cross chapter serving your community may be contacted for further information about its program, the services offered, and the opportunity for you to serve as a Red Cross volunteer helping other active and former soldiers.

Chapter 12 Mortuary Benefits, Burial Information, and Military Honors

Section I Mortuary Benefits

12-1. 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. Specific benefits authorized are contained in AR 600-8-1.

12-2. 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. 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. Requests should be made by a family member or representative of the family directly to the American Consular office in the country of death. Transportation of the remains to the preparing mortuary, casket, permits and fees, and further transportation of remains must be paid from private funds.

12-3. Transportation of retired soldier remains

a. Retired soldiers who die while properly admitted to a military medical facility in the United States are authorized transportation of remains from the place of death to the place of burial, providing the place of burial is no further than the retired soldier's last residence.

b. When the place of death and place of burial are local to the residence, transportation is authorized for the removal of the remains from the place of death to a local funeral home, and from the local funeral home to a local cemetery.

c. Transportation of the remains described in *a* and *b* above may not be to a place outside the United States.

d. As of the printing of this pamphlet, authorization was pending for the transportation of remains of eligible family members of retired soldiers who die in a military medical facility in the United States. The installation mortuary officer at the place of death should be consulted on the status of implementation of this benefit.

e. Retired soldiers and their eligible family members are not authorized transportation of remains from overseas to the United States on U.S. military aircraft even on a reimbursable or space available basis. This applies although the retired soldier or eligible family member may have traveled to the overseas destination as a space available passenger on Air Mobility Command aircraft.

f. Retired soldiers who die in a Department of Veterans Affairs (VA) hospital or nursing home may be eligible for transportation of remains by VA. The local VA office should be contacted for eligibility rules.

Section II Burial Information

12-4. VA burial benefits

a. Awareness of VA burial benefits can often spare the family of

a deceased retired soldier anxiety, and financial hardship immediately following the retired soldier's death.

b. Interment in a national cemetery is available, for example, to veterans discharged under conditions other than honorable. Arlington, on the other hand, requires that the veteran be discharged under honorable conditions. The eligible veteran's spouse and minor children and, under certain conditions, unmarried adult children, are eligible also. It should be noted that some national cemeteries have no remaining space.

c. 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 who were buried at sea, those whose remains were donated to science, and those who were 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.

d. 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.

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

f. VA will also provide—

(1) An American flag, upon request, for covering the casket.

(2) A memorial certificate, bearing the President's signature, expressing our Nation's grateful recognition of the deceased veteran's service.

g. 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.

h. For more information on VA burial benefits, contact any VA office or national cemetery.

12-5. Burial in Arlington National Cemetery or Columbarium Inurnment, and burial in Army post cemeteries

a. Burial in Arlington National Cemetery. Retired soldiers are eligible for burial in Arlington National Cemetery, and inurnment (for cremated remains) in the Arlington National Cemetery 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. Surviving spouse and eligible children who predecease the retired soldier may be interred in Arlington 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 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 Arlington National Cemetery (ANC) and Army post cemeteries is the Secretary of the Army. Requests for exception to policy for burial in ANC should be submitted to: Director, Arlington National Cemetery, Arlington, VA 22211. Requests for exception 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.

b. 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.

c. 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 Arlington National Cemetery 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. The Office at Arlington National Cemetery is open Monday through Friday, 7:30 a.m. to 4:00 p.m., and on Saturday, from 8:30 a.m. to 4:30 p.m. The telephone numbers are (202) 695-3250, 695-3253 and 695-3255.

d. 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, Arlington National Cemetery, Arlington, VA 22211. If sent by air express, you must arrange for pickup and delivery to the cemetery. If sent by mail, consult the post office for best parcel post method of delivery.

e. Cost. There is no charge for a niche in the Columbarium nor for the inscribed marble plaque with which each niche is sealed. Also, there is no charge for a grave in Arlington National Cemetery 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.

f. Additional information. If you need additional information concerning burial at Arlington National Cemetery, write to the Superintendent, Arlington National Cemetery, Arlington, VA 22211.

12-6. Burial in other national cemeteries

VA has responsibility for national cemeteries, except Arlington and the Armed Forces Retirement Home. Contact the VA office nearest you for more information. Phone numbers for VA offices are in DA Pam 360-526.

Section III Funeral support

12-7. Military honors

a. The continuing policy of the Department of the Army is to provide, when resources are available, the same funeral support to deceased retired soldiers as is given to deceased active duty soldiers. Funeral support may include pallbearers, firing party, bugler, chaplain, and an officer or noncommissioned officer in charge. In those cases where full support cannot be provided, a Service representative will represent the Army at the interment service, and present the flag to the designated recipient. 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 retired soldier 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.

12-8.
Not used.

Chapter 13 Army Payments and Benefits to Survivors

13-1. Arrears in pay

a. It is important to know that entitlement to retired pay ceases immediately on the date of a retired soldier's death. Eligibility for retired pay does not pass to the surviving spouse or other survivors unless the retired soldier elected Survivor Benefit Plan (SBP). The person the member designates as beneficiary for any unpaid retired pay (para 6-11) will be eligible for a one-time payment which includes the pay due from the first of the month up to and including the date of death. DFAS will notify the financial institution where the retired check was going to return the full amount of any retired pay deposited through EFT after the retired soldier's death. An application for arrears in retired pay is sent by DFAS to the beneficiary on file. Proof of death must accompany the completed application.

b. Retired paychecks which were sent by mail to a financial institution, or directly to the retired soldier, which were not negotiated before the retired soldier's death, must be returned to DFAS. Upon receipt of a completed application for arrears in pay, DFAS will send the portion rightfully accruing to the deceased retired soldier's account to the beneficiary on file for arrears in pay.

13-2. Survivor Benefit Plan

a. The Survivor Benefit Plan (SBP) allows retired members to provide an annuity to certain designated survivors, i.e., spouse, spouse and dependent child, dependent child, former spouse, former spouse and child, or a person with an insurable interest in the continued life of the retired soldier.

b. Soldiers are automatically covered by the SBP once they attain retirement eligibility (e.g. acquire 20 years service). While on active duty, SBP is free and provides an annuity of up to 55 percent of what the retired pay would be as of the date of death, if death occurs before retirement. Before retirement, soldiers must state in writing if they wish to continue that coverage, reduce it, or decline it. Married soldiers may not elect less than full spouse coverage without their spouse's written consent (unless former spouse or former spouse and children coverage is elected). Married soldiers who decline coverage for a spouse at retirement may not elect to cover that spouse, or any future spouse after retirement. Since an SBP annuity may be the major source of income for survivors, careful consideration should be given to participation in the plan as an important aspect of estate planning. Prospective retirees should thoroughly study the plan, discuss it with their spouses, and seek counseling from a Retirement Services Officer, military personnel officer, or other personal affairs counselor. Do not make an SBP election without first reading DA Pam 360-539, "SBP Made Easy."

13-3. Death gratuity

A death gratuity is payable to certain survivors of a retired soldier who dies of service-related causes during the 120-day period following retirement as determined by VA.

Chapter 14 Department of Veterans Affairs Benefits to Survivors

14-1. Government insurance

If you hold National Service Life Insurance or US Government Life Insurance 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 themselves to be insurance beneficiaries, but who do not receive application forms and instructions should request them from the nearest VA 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.

14-2. Dependency and Indemnity Compensation

a. Definition. Dependency and Indemnity Compensation (DIC) is payable to certain survivors of a retired soldier whose death is determined by VA to be the result of a service-connected disability. For DIC to be payable, the 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 training.

b. Authorized beneficiaries. DIC payments are 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 the result of a service-connected disability, if—

(1) The veteran was continuously rated totally disabled for a period of 10 or more years, or

(2) The veteran was so rated for a period of not less than 5 years from the date of last discharge from military service. In the case of a surviving spouse, the marriage to the veteran must have been in effect at least 2 years.

c. Other benefits. DIC payments are exempt from taxation, and are not subject to seizure by the creditors of either the soldier or the beneficiary. Receipt of DIC will not disqualify an eligible family member from receiving Social Security benefits. The survivor's standard SBP annuity will be reduced by the amount of the DIC payment. An SSBP annuity is not reduced by DIC.

d. Spouse payment. VA will make monthly DIC payments to the eligible surviving spouse of a retired soldier whose death is the result of a service-connected disability. Payments are made in addition to any other income received by the surviving spouse.

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.

f. Surviving spouse remarriage. DIC payments terminate permanently if the surviving spouse remarries (at any age).

g. Child eligibility. When there is no surviving spouse entitled to DIC it may be paid to the children of a retired soldier whose death is the result of a service-connected disability. To be eligible for DIC payments, a child must—

(1) Be unmarried.

(2) Be under the age of 18.

(3) Have become permanently incapable of self-support before reaching age 18.

(4) Be pursuing a 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 the DIC payment.

i. Parent or parent-in-law. DIC may be paid to a parent or parents of a 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 through adoption, mother through adoption, or the person who last stood in loco parentis to the deceased soldier before his or her entry into the service. The amount of DIC paid to parents is dependent upon 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.

k. 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.

l. Application. It is advisable for the survivors of a retired soldier to make application for DIC whether or not the soldier's death appears to be the result of a service-connected disability.

m. Where to obtain forms. Forms may be obtained from any VA regional office or Social Security district office. Completed applications should be returned to the office from which they were obtained. Generally, a surviving spouse should submit a certified copy of the marriage certificate and court documents terminating any previous marriages of either the retired soldier or surviving spouse. Applications on behalf of children should be accompanied by certified copies of birth certificates or adoption papers. Parents' applications require the deceased soldier's birth certificate or adoption papers as proof of parenthood.

14-3. 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. 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 VA. On this questionnaire, the surviving spouse will report 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 embarrassment and inconvenience of being called upon to refund pension payments that have been received.

14-4. Loan guarantee

The unremarried 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.

14-5. Educational assistance to surviving spouses and children

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. Children are eligible until age 26, although benefits may be extended in some circumstances.

Chapter 15 Other Payments and Benefits to Survivors

15-1. Social Security

Survivors may make application for Social Security benefits at the same time they apply for VA Dependency and Indemnity Compensation or death pension. The substantiating evidence they submit to VA also may be used by the Social Security Administration. However, survivors must still make application for Social Security benefits to a Social Security Administration office. Submission of

separate applications with required substantiating evidence to VA and the Social Security Administration will expedite the processing of claims for compensation or pension and Social Security benefits.

15-2. Civil service survivor annuities

a. If a retired soldier should die 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 they die, marry, or reach 18 (age 22 if in school full time).

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

15-3. 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. 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 Centers in your area. Examination announcements and application forms also may be obtained from most post offices throughout the United States.

15-4. 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 16 Admission to Homes

16-1. The Armed Forces Retirement Home

a. Congress, in 1990, 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. Policy oversight for both homes is exercised by the Armed Forces Retirement Home Board, appointed by the Secretary of Defense. Operational oversight for the individual homes is administered by local boards of trustees, appointed by the Service Secretaries.

b. Except as provided in subsections *d* and *e*, the following persons who served as members of the Armed Forces, at least one-half of whose service was not active commissioned service (other

than as a Warrant Officer or Limited Duty Officer) are eligible to become residents of the AFRH—

(1) *Category I.* Persons who are 60 years of age or over and were discharged or released from the Armed Forces under honorable conditions after 20 or more years of active service.

(2) *Category II.* Persons who are determined under rules prescribed by the AFRH Board to be incapable of earning a livelihood because of a service-connected disability incurred in the line of duty in the Armed Forces.

(3) *Category III.* Persons who served in a war theater during a time of war declared by Congress, or were eligible for Hostile File Special Pay under section 310 of title 37, United States Code (37 USC 310). Persons who were discharged or released from the Armed Forces under honorable conditions, and are determined under rules prescribed by the AFRH Board to be incapable of earning a livelihood because of injuries, disease, or disability.

(4) *Category IV.* Persons who served in a women's component of the Armed Forces before the enactment of the Women's Armed Services Integration Act of 1948, and are determined under rules prescribed by the AFRH Board to be eligible for admission because of compelling personal circumstances.

c. Whenever the number of applicants is greater than an individual branch of the Retirement Home can accommodate, priority will be given to Army and Air Force applicants for admission to the USSAH, and to Navy and Marine Corps applicants for admission to the USNH.

d. For U.S. Coast Guard personnel, only active service when operating as part of the Navy will be considered in determining eligibility for admission.

e. Persons ineligible to be residents are persons described in subsection *b* (1) through *b* (4) who have been convicted of a felony or are not free of drug, alcohol, or psychiatric problems.

f. Members of the Homes receive quarters, meals, medical care, and laundry, dry cleaning, and shoe repair service. A comprehensive recreation and hobby shop program embracing a variety of both indoor and outdoor activities also is maintained for members.

16-2. The United States Soldiers' and Airmen's Home

a. The USSAH was established by Congress in March 1851 to provide a home and other benefits authorized by law for former enlisted and warrant officer members of the Regular Army and Regular Air Force.

b. The USSAH is not a military establishment, but rather a home for the relief and support of former members of the Armed Forces who have earned the right, under law, to its membership. It is a home whose pleasant grounds, fine buildings, excellent facilities, and carefully planned programs for the care and diversion of its members offer an attractive environment to qualified persons.

c. Home members are provided all necessary medical care and treatment by the King Health Center, a long-term care nursing facility. More complete facilities and services are available through a support agreement with Walter Reed Army Medical Center and other medical facilities.

d. Members of the Home, who so elect, may be buried in the USSAH National Cemetery, located adjacent to the Home.

e. The Home has all of the shops, facilities, and services essential to its operation and maintenance. There are also concessionaires and a branch of the Fort Myer Exchange available for the members' use.

f. Any former member of the Armed Forces who believes he or she meets the eligibility requirements may submit an application for admission directly to the Admissions Office, U.S. Soldiers' and Airmen's Home, 3700 N. Capitol Street, NW, Wash DC 20317.

16-3. United States Naval Home

For information, write to the U.S. Naval Home, 1800 Beach Drive, Gulfport, Mississippi 39507-1597 or call 1-800-332-3527.

16-4. State veterans homes

a. Many states maintain veterans homes for veterans. Some of the homes 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 home. The addresses of state homes are given below.

(1) *Alabama*. Alabama Veterans Home, Dept. of Veterans Affairs, P.O. Box 1509, Montgomery, AL 36102-1509.

(2) *Arkansas*. Arkansas Veterans Home, 4701 West 20th Street, Little Rock, AR 72204, (501) 324-9454.

(3) *California*. Veterans Home of California, P.O. Box 1200, Yountville, CA 94599, (707)944-4500.

(4) *Colorado*.

(a) Colorado State Veteran's Nursing Home, Moore Drive, Florence, CO 81226, (719) 784-6331.

(b) Colorado State Veterans Center, P.O. Box 97, Homelake, CO 81135, (719) 852-5118.

(c) Colorado State Veterans Home, 851 East 5th Street, P.O. Box 1420, Rifle, CO 81650, (303) 625-0842.

(5) *Connecticut*. Connecticut Veterans Home and Hospital, 287 West Street, Rocky Hill, CT 06067, (203) 529-2571.

(6) *Florida*. Veterans Home of Florida, 1300 Sycamore Lane, Lake City, FL 32055, (904) 758-0800.

(7) *Georgia (Augusta and Milledgeville)*. Department of Veterans Service, Floyd Veterans Memorial Building, Suite E-970, Atlanta, GA 30334.

(8) *Idaho*.

(a) Idaho State Veterans Home, P.O. Box 7765, Boise, ID 83707, (208) 334-5000.

(b) Idaho State Veterans Home, 1957 Alvin Ricken Drive, Pocatello, ID 83201, (208) 233-6699.

(9) *Illinois*.

(a) Illinois Veterans Home, 1015 O'Connor Avenue, LaSalle, IL 61301, (815) 223-0303, Ext. 201.

(b) Illinois Veterans Home, One Veterans Drive, Manteno, IL 60950, (815) 468-6581.

(c) Illinois Veterans Home, 1707 North Twelfth Street, Quincy, IL 62301, (217) 222-8641.

(10) *Indiana*. Indiana Veterans Home, 3851 North River Road, West Lafayette, IN 47906, (317) 463-1502.

(11) *Iowa*. Iowa Veterans Home, 13th and Summit Streets, Marshalltown, IA (515) 752-1501.

(12) *Kansas*. Kansas Soldiers' Home, Fort Dodge, KS 67843, (316) 227-2121.

(13) *Kentucky*. Kentucky Veterans Home, 100 Veterans Drive, Wilmore, KY 40390.

(14) *Louisiana*. Louisiana War Veterans' Home, P.O. Box 748, Jackson, LA 70748, (504) 634-5265.

(15) *Maine*.

(a) Maine Veterans Home, Cony Road, R.F.D. #2, Augusta, ME 04330, (207) 622-2454.

(b) Maine Veterans Home, 39 Van Buren Road, Caribou, ME 04736, (207) 498-6074.

(c) Maine Veterans Home, 290 U.S. Route One, Scarborough, ME 04074, (207) 883-7184.

(16) *Maryland*. Charlotte Hall Veterans Home, Route 2, Box 5, Charlotte Hall, MD 20622, (301) 884-8171.

(17) *Massachusetts*.

(a) Soldiers' Home in Massachusetts (Chelsea), 91 Crest Avenue, Chelsea, MA 02150, (617) 884-5660.

(b) Soldiers' Home in Massachusetts (Holyoke), 110 Cherry Street, Holyoke, MA 01040, (413) 532-9475.

(18) *Michigan*.

(a) Michigan Veterans Facility, 3000 Monroe, Northwest, Grand Rapids, MI 49505, (616) 364-5300.

(b) D. J. Jacobetti Home for Veterans, P.O. Box 216, 425 Fisher Street, Marquette, MI 49855, (906) 226-3576.

(19) *Minnesota*.

(a) Minnesota Veterans Home, 1200 East 18th Street, Hastings, MN 55033, (612) 438-8500.

(b) Minnesota Veterans Home, 5101 Minnehaha Avenue, South, Minneapolis, MN 55417, (612) 721-0600.

(20) *Mississippi*. Mississippi Veterans Home, 4607 Lindberg Street, Jackson, MS 39209, (601) 354-7205.

(21) *Missouri*.

(a) Missouri Veterans Home, Route 2, Box 495, Cape Girardeau, MO 63701, (314) 290-5870.

(b) Missouri Veterans Home, 920 Mars Street, P.O. Box 473, Mexico, MO 65265-1890, (314) 581-1088.

(c) Missouri Veterans Home, Saint James, MO 65559, (314) 265-3271.

(22) *Montana*. Montana Veterans Home, P.O. Box 250, Columbia Falls, MT 59912, (406) 892-3256.

(23) *Nebraska*.

(a) Nebraska Veterans Home, Burkett Station, Grand Island, NB 68803, (308) 382-9420.

(b) Nebraska Veterans Home, P.O. Box 409, Norfolk, NB 68702-0409, (402) 370-3177.

(c) Thomas Fitzgerald Veterans Home, 156 W. Maple Road, Omaha, NB 68116, (402) 595-2180.

(d) Western Nebraska Veterans Home, 1102 West Forty-Second Street, Scottsbluff, NB 69361, (308) 632-3381.

(24) *New Hampshire*. New Hampshire Veterans Home, Winter Street, Tilton, NH 03276, (603) 286-4412.

(25) *New Jersey*.

(a) New Jersey Veterans Memorial Home, Menlo Park, P.O. Box 3013, Edison, NJ 08818-3013, (908) 603-3013.

(b) New Jersey Veterans Memorial Home, P.O. Box 608, One Veteran's Drive, Paramus, NJ 07653-0608, (201) 967-7676.

(c) New Jersey Memorial Home, 524 Northwest Boulevard, Vineland, NJ 08360, (609) 696-6400.

(26) *New Mexico*. New Mexico Veterans Center, P.O. Box 927, Truth or Consequences, NM 37901, (505) 894-9081.

(27) *New York*. New York State Veterans Home, Oxford, NY 13830, (607) 843-6991.

(28) *North Dakota*. North Dakota Veterans Home, Lock Box 673, Lisbon, ND 58054, (701) 683-4125.

(29) *Ohio*. Ohio Veterans Home, South Columbus Avenue, Sandusky, OH 44870, (419) 625-2454.

(30) *Oklahoma*.

(a) Oklahoma Veterans Center, Ardmore, P.O. Box 489, Ardmore, OK 73402, (405) 223-2266.

(b) Oklahoma Veterans Center, P.O. Box 988, Claremore, OK 74018, (918) 342-5432.

(c) Oklahoma Veterans Center, P.O. Box 1209, Clinton, OK 73601, (405) 323-5540.

(d) Oklahoma Veterans Center, P.O. Box 1668, Norman, OK 73070, (405) 360-5600.

(e) Oklahoma Veterans Center, 200 E. Fairlane, Sulphur, OK 73086, (405) 622-2144.

(f) Oklahoma Veterans Center, P.O. Box 1168, Talihina, OK 745471, (918) 567-2251.

(31) *Pennsylvania*.

(a) Pennsylvania Soldiers' and Sailors' Home, P.O. Box 6239, Erie, PA 16512-6239, (814) 871-4531.

(b) Holidaysburg Veterans Home, P.O. Box 319, Holidaysburg, PA 16648, (814) 696-5356.

(c) Southeastern Pennsylvania Veterans Center, Veterans Drive, Spring City, PA 19475, (215) 948-2400.

(32) *Rhode Island*. Rhode Island Veterans Home, Metacom Avenue, Bristol, RI 02809-0689, (401) 253-8000.

(33) *South Carolina*.

(a) Richard M. Campbell Veterans Nursing Home, 4605 Belton Highway, Anderson, SC 29621, (803) 261-5350.

(b) South Carolina Veterans Pavillion, 2200 Harden Street, Columbia, SC 29203-7199, (803) 737-5302.

(34) *South Dakota*. South Dakota State Veterans Home, 2500 Minnekahta Avenue, Hot Springs, SD 57747, (605) 745-5127.

(35) *Tennessee*. Tennessee Veterans Home, 345 Compton Road, Murfreesboro, TN 37130, (615) 895-8850.

(36) *Vermont*. Vermont Veterans Home, 325 North Street, Bennington, VT 05201, (802) 422-6353.

(37) *Washington*.

(a) Washington Soldiers' Home, P.O. Box 500, Orting, WA 98360, (206) 893-2156.

(b) Washington Veterans Home, P.O. Box 698, MS:WR-01, Ret-sil, WA 98378, (206) 895-4700.

(38) *West Virginia* Barboursville Veterans Home, 512 Water Street, Barboursville, WV 25504, (304) 736-1027.

(39) *Wisconsin* Wisconsin Veterans Home, King, WI 54946, (715) 258-5586.

(40) *Wyoming*. Veterans Home of Wyoming, 700 Veterans Lane, Buffalo, WY 82834, (307) 684-5511.

16-5. Department of Veterans Affairs Homes

The Department of Veterans Affairs maintains a number of domiciliary homes. Further information may be obtained from the nearest VA Regional Office.

16-6. Knollwood (formerly Army Distaff Hall)

a. Knollwood is a continuing-care retirement community in Washington, DC for Regular, Reserve, and National Guard officers who served 20 or more years active duty and their spouses, mothers, sisters, mothers, and mothers-in-law. There are no age restrictions for potential residents. Knollwood offers three levels of care; independent living, assisted living, and nursing care. It is one mile from Walter Reed Army Medical Center and two miles from Bethesda Naval Hospital. Rock Creek Park, one of the country's largest urban parks, borders Knollwood's 16 acres.

b. Amenities at Knollwood include dining, transportation, beauty shop and barber shop, laundry, security, maid and porter service, parking, and storage. Knollwood also offers a card room, hobby room, libraries, solarium, pool and wellness center, guest rooms, gardens, bird sanctuary, walking path, and putting green and croquet lawn.

c. If you live outside area code 202, call 1-800-541-4255 for more information or an application packet. If you live in area code 202, call 541-0105.

Chapter 17 Uniformed Services Former Spouses Protection Act

17-1. Overview

a. Following is a general discussion of the legislative provisions of Public Law (PL) 97-252, 8 September 1982, the Uniformed Services Former Spouses Protection Act (USFSPA) which is incorporated in Section 1408 of Title 10, U.S. Code. The points outlined are not designed to answer detailed questions concerning individual cases; rather, they serve as general information for use by retired soldiers and their spouses or former spouses. This chapter does not provide legal or judicial interpretation of enacted laws and does not deal with case law. Individuals seeking legal assistance are encouraged to contact a legal assistance attorney or to retain civilian counsel. This chapter is not a legal brief, nor does it state a legal position. It cannot be used as evidence of intent, interpretation, or precedent in any legal action.

b. PL 97-252 has been amended by Public Laws 98-94, 24 September 1983; 98-525, 27 September 1984; 99-145; 8 November 1985, 99-661, 14 November 1986; 100-180, 4 December 1987; and 101-510, 5 November 1990. Further amendment is possible at any time.

17-2. Division of Retired Pay as property, alimony, or child support

a. *Background.* Prior to the 1981 *McCarty vs. McCarty* case, State courts disagreed on whether they were authorized or constrained by Federal legal precedent in dividing military retired pay in divorce-related property settlements. On 26 June 1981, the U.S. Supreme Court ruled in the *McCarty vs. McCarty* case that military retired pay could not be treated as community property in divorce

cases. In response, Congress enacted the Uniformed Services Former Spouses Protection Act (USFSPA) which decreed that State courts could treat military retired pay as community property in divorce cases if they so chose.

b. *Enforcement mechanism.* The USFSPA allows the Defense Finance & Accounting Service (DFAS) to make direct payment of State-court-ordered divisions of military retired pay as property to certain former spouses. Essentially, USFSPA allows direct payment to an ex-spouse where State law treats military retired pay as marital property in a divorce. The Act does not create a Federal right to any portion of the military retired pay on behalf of the former spouse, but rather recognizes that the states may treat it as such, and acts as an enforcement mechanism.

c. *Disposable pay.* One of the provisions of USFSPA is that direct payment may be made on disposable pay only. For court orders issued on or before 14 November 1986 (or amendments thereto), disposable retired pay does not include the retired pay of a soldier retired for disability under 10 USC Chapter 61 (disability). Disposable pay is defined as retired pay to which a soldier is entitled less amounts which—

(1) Are owed by that soldier to the United States for previous overpayments of retired pay and for recoupments required by law resulting from entitlement to retired pay.

(2) Are deducted from the retired pay of such soldier as a result of forfeitures 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 Title 5 (civil service) or Title 38 (Dept. of Veterans Affairs (VA) compensation).

(3) In the case of a court order on or after 14 November 1986, the amount of the soldier's retired pay under Chapter 61, Title 10, USC, computed using the percentage of the soldier's disability on the date when the soldier was retired (or the date on which the soldier's name was placed on the temporary disability retired list).

(4) Are deducted because of an election under Chapter 73, Title 10 (Survivor Benefit Plan), to provide an annuity to a spouse or former spouse to whom payment of a portion of such soldier's retired or retainer pay is being made pursuant to a court order.

(5) If the court order was issued before 3 February 1991, are owed the United States.

(6) If the court order was issued before 3 February 1991, are withheld for Federal and State income taxes to the extent that amount is consistent with the soldier's tax liability. This includes amounts for supplemental withholding under 26 USC 3402 (i) when the soldier presents satisfactory evidence of the tax liability (See 42 USC 659).

d. *Direct payment.* The law does not confer an entitlement to a portion of the retired pay as property, alimony, or child support, to a former spouse as a result of length of marriage or number of years overlap in the marriage and service. However, once a court has awarded a former spouse a portion of retired pay as property, alimony, or child support, the former spouse may apply to the military finance center to receive that pay as a "direct payment." To qualify for a direct payment of "property," the law requires a former spouse to have been married to the soldier during at least 10 years of the soldier's service creditable for retired pay. There is no 10 year marriage requirement for payment of alimony or child support (See 10 USC 1408).

e. *Limit on payment.* The law further stipulates that service finance centers may not send more than 50 percent of a soldier's disposable retired pay as a direct payment unless there are additional garnishments for alimony or child support under Title 42, U.S.C., section 659. In those cases, up to 65 percent of the disposable pay may be sent as a direct payment.

f. *Amendments to Pre-McCarty divorces.* Before passage of PL 101-510, some State courts amended pre-26 June 1981 divorce settlements to provide for a division of retired pay as property. PL 101-510 stipulates that a court may not treat retired pay as property of the soldier and the spouse if the final decree of divorce, dissolution, annulment, or legal separation (including a court-ordered, ratified, or approved property settlement incident to such decree)—

(1) was issued before 25 June 1981, and

(2) did not treat (or reserve jurisdiction to treat) any amount of retired pay as property of the soldier and spouse. Judgements issued before 5 November 1990, to amend pre-26 June 1981 divorce settlements to provide for a division of retired pay as property, may be annulled or modified by this amendment on or after 5 November 1992.

g. More than one former spouse. When more than one former spouse has been awarded a division of a soldier's retired pay, payment will be handled on a first-come, first-served basis. When conflicting court orders exist, the law instructs the service concerned to send the amount specified in the lower of the two conflicting orders (not to exceed 50% of disposable pay), and retain the difference until the matter is resolved.

h. When payments begin. The Defense Finance & Accounting Service must begin direct payment to the former spouse within 90 days of receipt of all required documents. If a soldier is not retired at the time of the court order, payments will begin after the required notification of the newly retired soldier, but no later than 90 days after the soldier retires. USFSPA does not allow a State court to order a soldier to apply for retirement or to retire at a specified time to start payment.

i. Former spouse remarriage. Remarriage of a former spouse does not stop the direct payment of retired pay as property unless the court so orders.

j. Applying for a direct payment. An application for direct payment may be obtained by contacting the Office of the General Counsel at DFAS. The completed application and court order should be sent certified mail, return-receipt-requested, to DFAS-IN, ATTN: DFAS-I-GG, Indianapolis, Indiana 46249-0160, (317) 542-2155. The court order must—

(1) Be certified within 90 days immediately preceding its service on the Finance Center.

(2) Have an original raised or multi-colored court seal. Photocopies of certified photocopies are not acceptable.

(3) If issued while the soldier was on active duty, and the soldier was not represented in court, show that the rights of the soldier under the Soldiers' and Sailors' Civil Relief Act of 1940, 50 U.S. C. APP., Section 501 et seq., were honored. A statement by the former spouse or his/her attorney is insufficient.

(4) Show that the former spouse and the soldier were married for at least 10 years, during which time the soldier performed at least 10 years of service creditable towards retirement. Otherwise, the former spouse must furnish evidence that such a requirement was met; for example, a copy of the marriage certificate.

(5) Reflect that the court had jurisdiction over the soldier by reason of—

(a) the soldier's residence, other than because of military assignment, in the territorial jurisdiction of the court, or

(b) the soldier's domicile in the territorial jurisdiction of the court, or

(c) the soldier's consent to the jurisdiction of the court.

k. Proper request. Request for direct payment is not accomplished until all required information is received by the service finance center.

l. Notifying the soldier. Within 30 days of receiving all required information, the service finance center shall contact the soldier with a notification which includes—

(1) A copy of the court order and accompanying documentation.

(2) An explanation of the limitations affecting direct payment to a former spouse from a soldier's retired pay.

(3) A request that the soldier submit notification to the designated agent if the court order has been amended, superseded, or set aside. The soldier must provide an authenticated or certified copy of the operative court documents when there are conflicting court orders.

(4) The amount or percentage of retirement pay that will be deducted if the soldier fails to respond to the notification.

(5) The tentative effective date when direct payments to the former spouse will begin.

(6) Notice to the soldier that failure to respond within 30 days of

the date the notice was mailed may result in the division of retired pay as provided in the notification.

(7) Notice that if the soldier submits information in response to the notification, the soldier thereby consents to the disclosure of such information to the former spouse or the former spouse's agent.

m. Court order. The service finance center shall not honor the court order if it is defective, modified, superseded, or set aside.

n. Payment cycle. Payments to the former spouse shall begin within 90 days after the service finance center receives the completed paperwork. Payments shall conform with the normal pay, and disbursement cycle of the soldier's retired pay. Payments that are a percentage of retired pay as property will change in direct proportion to, and on the effective date of future cost-of-living adjustments to retired pay, unless the court order directs otherwise. Payments stop if the soldier or former spouse dies, or as stated in the court order, whichever occurs first.

o. Taxation. Payment to a former spouse for division of retired pay as property is taxable, and subject to income taxation. An Internal Revenue Form (IRS) 1099R is sent to the former spouse.

p. Divorce before retirement. When a soldier remains on active duty following divorce, the former spouse should send a copy of the divorce decree or property settlement to the service finance center. If it meets the criteria of the law, it will be retained until the soldier retires. The former spouse must tell the service finance center of changes in address or marital status.

q. Correspondence. All correspondence between a former spouse, and a service finance center must include the soldier's social security number.

17-3. Survivor Benefit Plan (SBP) (10 U.S.C. §§1447 et seq.)

a. Voluntary vs. mandatory. Until passage of the 1987 Defense Authorization Act, the USFSPA provided soldiers the option of voluntarily electing SBP coverage for a former spouse as part of, or incident to, a divorce-related property settlement. State courts were not authorized to order an active duty or retired soldier to elect SBP coverage for a former spouse. Further, a retired soldier could not voluntarily elect coverage for a former spouse for whom spouse coverage had not been elected. The 1987 Defense Authorization Act permitted State courts for the first time to order a soldier to provide SBP coverage for a former spouse. This provision applies only to divorces finalized after 14 November 1986. As with voluntary elections, courts cannot order a retired soldier to provide this coverage unless the retired soldier had elected spouse coverage for that former spouse.

b. Remarriage. Former spouse SBP coverage is generally irrevocable. However, if the retired soldier remarries and wishes to cover the new spouse, a change in coverage may be requested within one year of the date of remarriage. Any such change requires the consent of the former spouse. Further, if the former spouse SBP coverage was ratified or approved by a court order, the court order must be amended before the year is up if a change in coverage is desired.

c. Similarity to spouse coverage. SBP coverage for a former spouse will be in the same amount as SBP coverage for the spouse. For former spouse elections made after March 1986, the cost, annuity, and remarriage provisions are exactly like those for spouse coverage. A former spouse who remarries before age 55 loses SBP eligibility, however, if the marriage ends in death, divorce, or annulment, eligibility is reinstated. A former spouse who remarries after age 55 does not lose eligibility (PL 99-661 changed the age from 60 to 55; this provision was not retroactive.)

d. Requesting a deemed election. If a soldier has voluntarily agreed to elect SBP coverage for a former spouse, and that agreement has been ratified or approved by a court order, or, in divorces finalized after November 14, 1986, the soldier has been ordered to elect SBP coverage for a former spouse, the retired soldier must make that election within one year of the date of the divorce or dissolution for the request to be honored. If the retired soldier fails to make the former spouse SBP election, the former spouse may request a "deemed" SBP election from the finance center. A deemed election must be made within one year of the divorce or dissolution.

Former spouses are encouraged to send the court order to the Finance Center, and request a deemed SBP election as soon after the court order is finalized as possible. That way, if a soldier fails to make the required election, the former spouse will have met the one year deadline to request the deemed election.

17-4. Uniformed Service Identification and Privilege Card (ID Card) (DD Form 1173)

a. Minimum eligibility requirements. The USFSPA and subsequent amendments authorize military benefits to certain former spouses. Benefits are authorized only if all three of the following criteria are met—

- (1) The marriage lasted at least 20 years, and
- (2) The soldier served at least 20 years service creditable for retired pay, and
- (3) The marriage overlapped the service creditable for retired pay by 15 or more years.

b. Benefits authorized. The number of years the marriage overlapped the service creditable for retired pay determines the extent of benefits authorized as shown below—

(1) *20/20/20 Rule; divorced anytime.* If the marriage and service overlapped by at least 20 years, full privileges (commissary, exchange, theater, and medical care - military and CHAMPUS) are authorized, regardless of the date of divorce.

(2) *20/20/15 Rule; divorced prior to 1 April 1985.* If the marriage and the service overlapped by at least 15 but fewer than 20 years, and the divorce was finalized on or before April 1, 1985, medical care only is authorized for an indefinite period.

(3) *20/20/15 Rule; divorced on or after 1 April 1985 but before 30 September 1988.* If the marriage and the service overlapped by at least 15 but fewer than 20 years, and the divorce was finalized on or after 1 April 1985 but before 30 September 1988, medical care only was authorized for only a two-year period from the date of the divorce or until 31 December 1988, whichever was later. At the end of the two-year period, the former spouse had the option of enrolling in a conversion health insurance policy offered by an authorized private insurance company.

(4) *20/20/15 Rule; divorced on or after 30 September 1988.* Same as the 20/20/15 divorced after 1 April 1985, except the medical benefits are granted for only one year instead of two. At the end of that year, the former spouse may be eligible for limited CHAMPUS coverage for 18 months upon purchase of a conversion health insurance policy offered by an authorized private insurance company, if the former spouse has a preexisting medical condition which is not covered under the conversion health insurance policy. To get an extension of CHAMPUS eligibility for preexisting conditions, the former spouse must contact the patient administration office at the nearest military medical facility to obtain proof of eligibility. When the former spouse receives medical care for a preexisting medical condition, the claim must first be submitted to the conversion health insurance company. If the claim is denied as a preexisting condition, CHAMPUS coverage will be authorized when the CHAMPUS claims processor receives a properly filled out CHAMPUS claim form, a copy of the other health plan's claim denial, and a copy of the former spouse's proof of eligibility.

c. Restrictions. The following restrictions also apply—

(1) Medical benefits (military and CHAMPUS) are not granted if the former spouse is covered by an employer-sponsored health care plan. However, the former spouse may cancel the employer-sponsored health care plan to become eligible.

(2) Medical benefits are terminated if the former spouse remarries. They are not reinstated if the remarriage ends in death or divorce. Commissary and exchange benefits are terminated if the former spouse remarries. They are reinstated if the remarriage ends in death or divorce.

(3) Normally, CHAMPUS benefits terminate when a former spouse becomes eligible for Part A of Social Security Medicare benefits. This normally occurs when the former spouse turns 65. However, in cases where the former spouse becomes disabled before 65, qualifies for Part A Medicare, and is enrolled in Medicare Part

B, CHAMPUS benefits do not terminate, but CHAMPUS becomes a second payer to Medicare.

d. Conversion health insurance. The current conversion health insurance policy is called Uniformed Services Voluntary Insurance Plan (US VIP). US VIP must be applied for within 90 days of the qualifying event. The qualifying event for a spouse divorcing an active duty soldier would be the divorce. The qualifying event for a former spouse who does not meet the 20-20-20 or 20-20-15 eligibility criteria and who is divorcing a retired soldier would also be the date of divorce. The qualifying event for a former spouse who meets the 20-20-15 criteria, and who is divorcing a retired soldier would be the end of the one year military medical coverage. US VIP may be renewed every 90 days for up to 18 months. For more information on US VIP, see an ID Card Issuing Facility, a chaplain's office, a Health Benefits Advisor, a legal assistance office, or contact Mutual of Omaha Insurance Company, ATTN: US VIP Dept., Mutual of Omaha Plaza, Omaha, NE 68175, telephone (402) 978-5819.

e. Application. To apply for a former spouse ID card—

(1) Complete DD Form 1172 (Application for Uniformed Services Identification DEERS Enrollment). DD Form 1172 is available from an ID card issuing facility of any branch of service.)

(2) Attach—

(a) State-certified marriage certificate, and

(b) Final divorce decree, and

(c) If the soldier is retired, DD Forms 214 (Certificate of Release or Discharge From Active Duty) covering the 20 years creditable service. (Note: Until a few years ago, enlisted personnel received a DD Form 214 each time they reenlisted. Officers usually have only one unless they have prior enlisted service). A statement of service may be submitted in lieu of a complete set of DD Forms 214. A statement of service may be obtained as shown in paragraph 4 below, and

(d) A statement certifying that the former spouse is not enrolled in an employer-sponsored health insurance plan, and

(e) A statement certifying that the former spouse has not remarried. If the former spouse has remarried, but the remarriage has terminated, a copy of the termination document.

(3) A former spouse who has all the required documents may present everything to a local ID card issuing facility of the parent service for immediate issue of a card.

(4) The former spouse of a retired soldier may apply for a statement of service from— Commander, U.S. Army Reserve Personnel Center, ATTN: DARP-PAS-EVC, 9700 Page Boulevard, St. Louis, Missouri 63132-5200. The former spouse of an active duty soldier may apply for a statement of service from the soldier's military personnel office. If the ID card will be obtained from another service branch ID Card issuing facility, a DD Form 1172 and other supporting documents should accompany the request. Tell the parent service where the card will be obtained. That way, the parent service will verify the application and return it. It may then be presented to another service branch ID card issuing facility who will issue the card.

(5) Always check on the current procedures by contacting an ID card issuing facility of your parent service before attempting to obtain an ID card in person or by mail.

17-5. Additional information

For additional information of the USFSPA, contact the nearest military legal assistance office.

Appendix A References

Section I Required Publications

AR 380-5

Department of the Army Information Security Program (Cited in para 5-9 *a.*)

DA Pam 360-526

Once A Veteran (Cited in para 8-1.)

DA Pam 360-539

Survivor Benefit Plan for the Uniformed Service (Cited in para 13-2 *b.*)

Section II Related Publications

DOD 5200.1-R

DOD Information Security Program Regulation

AR 632-35

Appearances Before Command or Agency of the Department 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 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.

AR 930-2

United States Soldiers' and Airmen's Home.

DA Pam 360-506

Disability Separation

DA Pam 360-526

Once a Veteran.

DA Pam 600-8-11

Military Personnel Office Separation Processing Procedures.

DA Pam 608-4

A Guide for the Survivors of Deceased Army Members.

DA Pam 608-33

Casualty Assistance Handbook.

CHAMPUS 6010.46-H

CHAMPUS Handbook.

DOD 1340.12-M

Department of Defense Military Retired Pay Manual.

Section III Prescribed Forms

This section contains no entries.

Section IV Referenced Forms

DA Form 2962 para 5-10)

Security Termination Statement

DD Form 2 (ret)

Retired ID Card

DD Form 149

Application for Correction of Military Record Under the Provisions of Title 10, U. S. Code, Section 152

DD Form 214

Certificate of Release or Discharge from Active Duty.

DD Form 398

Personnel Security Questionnaire

DD Form 1172

Application for Uniformed Services Identification Card DEERS Enrollment

DD Form 1173

Uniformed Services Identification and Privilege Card.

DD Form 1787

Report of DOD and Defense-Related Employment.

SF 1199A

Authorization for Deposit of Federal Recurring Payments

IRS Form 1040

Individual Income Tax Return

IRS Form 1099-R

Distributions from Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc.

TD Form W-4

Employee Withholding Allowance Statement

VA Form 10-10f

Financial Worksheet

DFAS-IN Form 20-232

Designation of Unpaid Retired Pay of Deceased Retired Member

Glossary

Section I Abbreviations

ACAP

Army Career and Alumni Program

ACS

Army Community Service

AER

Army Emergency Relief

ARPERCEN

Army Reserve Personnel Center

AUS

Army of the United States

CHAMPUS

Civilian Health and Medical Program of the Uniformed Services

COLA

cost-of-living adjustment

CONUS

Continental United States

DEERS

Defense Enrollment Eligibility Reporting System

DIC

Dependency and Indemnity Compensation

DFAS

Defense Finance and Accounting Service

DFAS-IN

Defense Finance and Accounting Service - Indianapolis

DOD

Department of Defense

DVA

Department of Veterans Affairs

EFT

Electronic Funds Transfer

FICA

Federal Insurance Contribution Act

NSLI

National Service Life Insurance

PERSCOM

U.S. Total Army Personnel Command

ROTC

Reserve Officer Training Corps

RSO

Retirement Services Office(r)

SBP

Survivor Benefit Plan

SSBP

Supplemental Survivor Benefit Plan

TDRL

Temporary Disability Retired List

TR

Transportation request

USAR

United States Army Reserve

USFSPA

Uniformed Services Former Spouses Protection Act

USSAH

United States Soldiers and Airmens Home

USVIP

Uniformed Services Voluntary Insurance Program

VEAP

Veterans Education Assistance Program

VGLI

Veterans Group Life Insurance

Section II Terms

Army Career and Alumni Program

Transition and job assistance for retiring soldiers, civilians, and their family members

Army Emergency Relief

A private organization which provides financial assistance to active and retired soldiers and their families

Arrears in pay

Retired pay which has not been paid to the retired soldier before his or her death

Army Echoes

An authorized periodical published for retired soldiers and their annuitant survivors

Base amount

Gross retired pay or any amount down to \$300 upon which an SBP annuity is based

CHAMPUS

A program which shares with retired soldiers and their families the cost of medical care through civilian sources

Deemed SBP election

An SBP election established by a former spouse's request when a retired soldier has failed to establish the election in compliance with a court order to do so

DEERS

A data base containing information on beneficiaries eligible for military medical care and CHAMPUS

DIC

A tax-free, monthly compensation paid by the VA when an active or retired soldier's

death is due to an injury or illness incurred 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

Electronic Funds Transfer

A method of electronically sending retired pay to a financial institution

Grey area retiree

A reserve soldier who has completed 20 years service, qualifying for retirement purposes but who has not reached age 60 and entitled to retired pay

Non-annuitant spouse

A surviving spouse who is not eligible for a Survivor Benefit Plan annuity

Retirement Services Office

A local office that provides information and assistance to retired soldiers and their families

SBP

A plan into which retiring soldiers may enroll to provide for continuation of a portion of their retired pay to survivors

Supplemental SBP

A plan which can be elected by retiring and retired soldiers to increase the age-62 SBP annuity by 5 percent, 10 percent, 15 percent, or 20 percent of the base amount.

Unpaid retired pay

The same as arrears of pay

Uniformed Services Former Spouses Protection Act

A law which provides benefits for former spouses of retired soldiers

US Voluntary Insurance Program

A private health insurance for those who lose eligibility for medical care through the military medical care system

VEAP

A program run by the VA which pays education benefits to soldiers based on active duty served

VGLI

A renewable VA insurance available to retiring soldiers

Section III Special Abbreviations and Terms

This section contains no entries

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