



PERSONNEL AND
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

The Honorable William M. "Mac" Thornberry
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

OCT 29 2017

Dear Mr. Chairman:

The enclosed report responds to the Joint Explanatory Statement accompanying the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328), page 1168, which requests the Secretary of Defense provide the Committees on Armed Services of the Senate and House of Representatives a report clarifying retirement and benefit eligibility status of certain disabled veterans.

The report identifies the number of veterans who may be eligible for re-designation as retired, describes all processes or procedures for a veteran to seek re-designation, and identifies the differences in the retired status, or benefits eligibility status, for veterans who meet current standards for disability retirement but were not previously eligible for retirement under the laws in place at the time of their referral to the disability evaluation process.

A similar letter is being sent to the Chairman of the Committee on Armed Services of the Senate. Thank you for your interest in the health and well-being of our Service members, veterans, and their families.

A handwritten signature in blue ink that reads "A M Kurta".

A. M. Kurta
Performing the Duties of the Under Secretary of
Defense for Personnel and Readiness

Enclosure:
As stated

cc:
The Honorable Adam Smith
Ranking Member



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The Honorable John McCain
Chairman
Committee on Armed Services
United States Senate
Washington, DC 20510

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A. M. Kurta
Performing the Duties of the Under Secretary of
Defense for Personnel and Readiness

Enclosure:
As stated

cc:
The Honorable Jack Reed
Ranking Member

Report to Committees on Armed Services of the Senate and House of Representatives



Review of Benefit Eligibility Status for Certain Veterans

**Requested by: The Joint Explanatory Statement accompanying National Defense Authorization
Act for Fiscal Year 2017 (Public Law 114-328)**

The estimated cost of this report for the DoD is approximately \$15,000 for the 2017 FY. This includes \$13,000 in expenses and \$1,540 in DoD labor.

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OVERVIEW

The Joint Explanatory Statement accompanying the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 (Appendix A), requests the Secretary of Defense provide the Committees on Armed Services of the Senate and House of Representatives a report clarifying retirement and benefit eligibility status of certain disabled veterans who were medically separated from the Services. Specifically, the conference report addresses changes to medical retirement eligibility under title 10, U.S. Code (U.S.C.), section 1204, *Members on Active Duty for 30 days or less or on inactive-duty training: retirement* (Appendix B).

In reference to these changes, the conferees requests the Secretary of Defense submit a comprehensive report that:

1. Identifies the number of veterans who may be eligible for re-designation as retired;
2. Describes all processes or procedures for a veteran to seek re-designation; and
3. Identifies any differences in the retired status, or benefits eligibility status, for veterans who otherwise meet current statutory standards for disability retirement, but who may not be retired because of the timing of enactment of disability retirement changes.

Conferees stated that changes to title 10, U.S.C., section 1204, made by section 534 of the NDAA for FY 1997 (P.L. 104-201) and section 513 of the NDAA for FY 1998 (P.L. 105-85) are the reasons that certain Service members, who may have been separated for disability prior to the changes, would now meet retirement standards under current law. While the entirety of section 534 of the NDAA for FY 1997 directs changes to section 1204, subsection (c) of section 513 of the NDAA for FY 1998 amends section 1204 referenced by conferees. The Department of Defense (DoD) did not examine impacts of other subsections of section 513 relating to medical and dental care, as those changes do not impact section 1204.

In this report, DoD provides an analysis of the impacts of changes to title 10, U.S.C., section 1204, and identifies the number of veterans, or medically separated Service members, who may be eligible for re-designation to a retired status. Further, to provide a thorough understanding of benefit eligibility, Appendix C includes a review of DoD benefits for separated or retired Service members who received an honorable discharge or administrative discharge under honorable conditions. Appendix D presents the process by which former Service members may seek re-designation through correction of military records. However, for these legally separated Service members to be eligible for subsequent re-designation to a retired status, Congress would need to provide DoD the statutory authorization. Absent such authorization, a Service member may be eligible for re-designation if he/she can show an error or injustice occurred in his/her case.

BACKGROUND

The NDAA's for FY 1997 and FY 1998, impacted retirement eligibility of certain Reserve Component Service members. DoD's analysis assesses – to the extent possible – the number of affected Service members, including the retirement eligibility for certain Reserve Component Service members.

This report focuses on a specific population of medically separated Service members who are potentially eligible for retirement, if Congress provides statutory authorization. Military Departments may separate Service members whose injury, illness, or disease was incurred or aggravated under eligible circumstances when their unfit medical condition is rated less than 30 percent. Separated Service members receive a one-time lump sum payment. Medically retired Service members, discharged with an unfit medical condition rated at 30 percent or higher or who have served at least 20 years, generally receive a lifetime annuity of payments, among several other benefits.

SECTION 534 OF THE NDAA FOR FY 1997: *ELIGIBILITY OF RESERVES FOR DISABILITY RETIREMENT*

Section 534 amends title 10, U.S.C., section 1204(2), by modifying previous language to expand disability retirement eligibility for Service members on Active Duty for 30 days or less or on inactive-duty training. The amendment ensures that an additional qualifying circumstance for disability retirement provides relief for Service members whose injury, illness, or disease was incurred or aggravated while remaining overnight, between successive periods of inactive-duty training, at or in-the-vicinity-of the site of the inactive duty training, if the site is outside the reasonable commuting distance of the member's residence.

Further, section 534 amends language from including disabilities incurred as the proximate result of performing duty under certain circumstances to include disabilities incurred or aggravated in line of duty under those same circumstances.

In the Joint Explanatory Statement accompanying the NDAA for FY 1997, conferees stated their intent to authorize disability retirement benefits, as defined in section 702 of the NDAA for FY 1996 (P.L. 104–106), for certain reservists.

SECTION 513(c) OF THE NDAA FOR FY 1998: *ELIGIBILITY FOR DISABILITY RETIREMENT OR SEPARATION*

Section 513(c) of the NDAA for FY 1998 amends title 10, U.S.C., section 1204(2), by modifying previous language to clarify disability retirement eligibility, as amended by the NDAA for FY 1997. Section 513(c) revised section 1204(2) to delineate between qualifying circumstances for the disability retirement of Service members before September 24, 1996, as opposed to the qualifying circumstances after September 23, 1996. Prior to September 24, 1996, Service members could be medically retired if their disability was incurred as a proximate result of performing duty. After September 23, 1996, Service members could be medically retired if an injury, illness, or disease was incurred or aggravated in the line of duty.

EFFECTS: Section 534 and section 513(c) expand disability retirement eligibility under title 10, U.S.C., section 1204, to a subset of Reserve Component Service members whose injury, illness, or disease was incurred or aggravated while in the line of duty.

The distinction in retirement eligibility after enactment of the NDAAs for FY 1997 and FY 1998 not only affects the type of discharge (separation or retirement), but also whether a Service member ever received a rating prior to his/her separation. For injuries incurred prior to September 24, 1996, the “proximate result” standard required that a causal relationship exist between the disability and the required military duty (e.g., inactive duty training). A “line of

duty” determination establishes whether the Service member was in a duty status at the time the injury, illness, or disease was incurred, provided it was not the result of misconduct or willful neglect.

Therefore, prior to September 24, 1996, Service members were not eligible for disability retirement if their disability was incurred or aggravated in the line of duty but not as the proximate result of performing such duties. Service members not meeting the “proximate result” standard before September 24, 1996, were separated in accordance to title 10, U.S.C., section 1204, as it existed at the time.

ELIGIBLE VETERANS

In accordance with the conferees’ request, DoD obtained data from the Military Departments to determine the number of former Service members who may qualify for re-designation if Congress were to change the laws that existed at the time the Service member’s case was adjudicated.

DoD’s analysis involved reviewing Service procedures and data relevant to title 10, U.S.C., section 1204. As required by each Service, a Physical Evaluation Board (PEB) assesses every wounded, ill, or injured Service member who fails to meet that Service’s medical retention standards to determine fitness for duty. Reserve Component Service members found to be physically unfit for duty and, prior to September 24, 1996, who met the “proximate result” standard received a disability rating and then either separated with benefits if they received a rating less than 30 percent, or retired if they had more than 20 years of service or were rated 30 percent or greater. However, physically unfit Service members who did not meet the “proximate result” standard specified in title 10, U.S.C., section 1204, did not move forward in the process and were separated without benefits, unless they were otherwise eligible to retire. The board did not consider whether the Service members met the “line of duty” standard and did not assign them a disability rating. Therefore, these separated Service members could now potentially qualify for disability retirement under today’s standards.

Given the constraints to identify the number of Service members who were separated as unfit prior to the enactment of the NDAA for FY 1997 who could qualify for retirement under today’s standards, DoD would need to individually review case files to determine if those separated meet line of duty standards and, if so, determine their disability rating. Therefore, to provide Congress with a timely response, DoD identified the number of Reserve Component Service members separated without benefits after referral to the PEB for the 10 years that immediately preceded the enactment of the NDAA for FY 1997.

Due to the data and resource limitations described above, DoD could not identify the exact number affected as requested by the Joint Explanatory Statement accompanying the NDAA for FY 2017. However, utilizing the 10-year timeframe immediately preceding September 24, 1996, DoD requested the Military Departments identify Service members who were:

1. Reservists;
2. Referred to the PEB as the result of injury, illness, or disease; and
3. Separated without benefits between September 23, 1986, and September 24, 1996.

The Department of the Army determined there are 467 former Service members who met part of current statutory criteria. The Department of the Army collected data from its legacy Physical Disability Case Application Processing System (PDCAPS). The PDCAPS data is only accessible dating back to January 1, 1989. All other data collection attempts to meet DoD's 10-year request would require a case-by-case review of archived individual paper files.

The Department of the Air Force determined there are 534 former Service members who met current statutory criteria over the 10-year timeframe.

The Department of Navy's legacy Joint Disability Evaluation Tracking System (JDETS) is unable to access data from DoD's requested time frame. As JDETS did not come on-line until October 1996, any data collection attempts to meet DoD's request would require a case-by-case review of archived individual paper files.

REDESIGNATION PROCESS

The cases of the former Service members, who are of concern to the conferees, were adjudicated in accordance with the applicable laws at the time. DoD does not have authority, absent a legislative change, to apply a law retroactively. Eligible veterans' only avenue for relief, therefore, is to establish there was an error in the original discharge or the discharge constitutes an injustice. Former Service members correctly separated under title 10, U.S.C., section 1204, prior to the NDAA for FY 1997 and absent a statutory change that would retroactively apply changes to the population concerned, are unlikely to have their discharge viewed as an injustice *solely* because of a change in law following their discharge.

DoD provides former Service members the opportunity to apply for a review and/or correction of his or her personnel record under title 10, U.S.C., section 1552. Each Military Department has a systematic application process for review by a specified board known as the Board for Correction of Military Records/Board for Correction of Naval Records (BCMR/BCNR). The process for obtaining relief through a BCMR/BCNR is at Appendix D. For this report, DoD gathered the necessary information regarding Military Department boards to provide Congress details for available processes and procedures by which a former Service member may seek re-designation.

Former Service members who believe their separation was not in accordance with law or policy at the time of their discharge may petition their Military Department BCMR/BCNR for appropriate relief. These boards are not investigative bodies; rather they operate on a presumption of regularity and look to the applicant to identify the specific reviewable issue.

However, if Congress' intent is to ensure all former Service members with a service-connected, total and permanent disability receive a space-available travel benefit rather than an expansion to include all retired-status benefits for Service members identified in this report, Congress could afford affected Service members relief under title 10, U.S.C., section 2641b, space-available travel on DoD aircraft: program authorized and eligible recipients.

BENEFITS ELIGIBILITY

DoD reviewed relevant websites, developing a DoD benefits data collection and index, cross-referencing each benefit to its source, and confirming the applicability for each benefit to the four abovementioned populations.

DoD cross-referenced online direct/indirect resources with the existing DoD Wounded, Ill and Injured Compensation and Benefits resources and official DoD websites and policies. The benefits were placed in five categories to compare the benefit eligibility status of the different groups of Service members: (1) Family Services, (2) Healthcare and Life Insurance, (3) Pay, (4) Service Member Services, and (5) Transitioning and Retirement.

SUMMARY

The identifiable number of former Service members potentially affected by implementation of the NDAA legislation for FY 1997 and FY 1998 from a 10-year period of time prior to the enactment is approximately 1,001. However, absent a legislative change, a member of this class of former Service members may be eligible for a re-designation if he/she can show there was an error in the process or an injustice in the outcome of the case. The number does not represent the entire population of former Service members who are potentially affected. From those potentially affected, only the former Service members whose injury, illness, or disease was incurred or aggravated while in the line of duty would meet current retirement eligibility standards.

DoD notes that any former Service member seeking re-designation, after potential Congressional authorization, would need a disability rating assigned by DoD to determine if they are eligible for either medical separation or retirement.

In keeping with Congressional intent, DoD understands this report to be the result of efforts to provide separated Service members with total and permanent disabilities with access to military space-available travel. In accordance with title 10, U.S.C., section 2641b(c), retired Service members of a Reserve Component are eligible for space-available travel. DoD recognizes that certain Service members administratively separated as unfit prior to changes made by the NDAA for FY 1997 and FY 1998 could be eligible for retirement if their cases were adjudicated under current law, and as retirees, would be eligible for access to space-available travel.

Should Congress expand retirement eligibility for affected Service members under title 10, U.S.C., section 1204, DoD notes the financial consequence of providing all benefits under retired status (e.g., lifetime retirement payments and health insurance) may be significant. Such financial consequences would be multiplied should survivors of eligible Service members who are now deceased seek re-designation and back-payment of benefits.

Appendix A: JES NDAA for FY 2017 Language

Transportation on military aircraft on a space-available basis for members and former members of the Armed Forces with disabilities rated as total

The House amendment contained a provision (section 1046) that would amend section 2641b of title 10, United States Code, to authorize space-available travel for disabled veterans with a service-connected, permanent disability rated as total by the DoD.

The Senate bill contained no similar provision. The House recesses.

The conferees direct the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives, by not later than March 1, 2017, a report clarifying the retirement and benefit eligibility status of certain disabled veterans. The report will identify with particularity any differences in the “retired” status, or benefit eligibility status, for service members who otherwise meet the current statutory standards for disability retirement, but who may not be retired owing to the timing of the enactment of disability retirement changes, particularly the enactment of Sections 534 of the NDAA for FY 1997 (Public Law 104–201) and 513 of the NDAA for FY 1998 (Public Law 105–85) which redefined disability and retirement eligibility under section 1204 of title 10, United States Code. The conferees are aware that at least in some cases, veterans may have been separated for disability who now meet disability retirement eligibility.

The report shall describe all available processes or procedures by which a veteran who believes they should be designated as “retired” may seek re-designation by appeal to the boards for correction of military or naval records or through some other process. Finally, the Secretary of Defense will identify the number of individuals who may be eligible for re-designation under the processes or procedures so identified.

The conferees are committed to ensuring every veteran is afforded all the rights and benefits to which they are entitled under the law, especially those who are disabled with a service-connected, permanent disability.

Appendix B: Title 10, U.S.C., section 1204

Upon a determination by the Secretary that a member of the armed forces not covered by Section 1201, 1202, or 1203 of this title is unfit to perform the duties of his office, grade, rank, or rating because of physical disability, the Secretary may retire the member with retired pay computed under section 1401 of this title, if the Secretary also determines that-

- (1) based upon accepted medical principles, the disability is of a permanent nature and stable;
- (2) the disability-
 - (A) was incurred before September 24, 1996, as the proximate result of-
 - (i) performing Active Duty or inactive-duty training;
 - (ii) traveling directly to or from the place at which such duty is performed; or
 - (iii) an injury, illness, or disease incurred or aggravated while remaining overnight, immediately before the commencement of inactive-duty training, or while remaining overnight between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site of the inactive-duty training is outside reasonable commuting distance of the member's residence;
 - (B) is a result of an injury, illness, or disease incurred or aggravated in line of duty after September 23, 1996-
 - (i) while performing Active Duty or inactive-duty training;
 - (ii) while traveling directly to or from the place at which such duty is performed; or
 - (iii) while remaining overnight, immediately before the commencement of inactive-duty training, or while remaining overnight between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training; or
 - (C) is a result of an injury, illness, or disease incurred or aggravated in line of duty-
 - (i) while the member was serving on funeral honors duty under Section 12503 of this title or Section 115 of title 32;
 - (ii) while the member was traveling to or from the place at which the member was to so serve; or
 - (iii) while the member remained overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence;
- (3) the disability is not the result of the member's intentional misconduct or willful neglect, and was not incurred during a period of unauthorized absence; and
- (4) either-
 - (A) the member has at least 20 years of service computed under Section 1208 of this title; or
 - (B) the disability is at least 30 percent under the standard schedule of rating disabilities in use by the Department of Veterans Affairs at the time of the determination.

(Aug. 10, 1956, ch. 1041, 70A Stat. 93 ; Pub. L. 99-145, title V, §513(a)(1)(A), Nov. 8, 1985, 99 Stat. 627 ; Pub. L. 99-661, div. A, title VI, §604(d)(1), (2)(A), Nov. 14, 1986, 100 Stat. 3876 ; Pub. L. 101-189, div. A, title XVI, §1621(a)(1), Nov. 29, 1989, 103 Stat. 1602 ; Pub. L. 102-484, div. A, title V, §516(a), Oct. 23, 1992, 106 Stat. 2407 ; Pub. L. 104-201, div. A, title V, §534, Sept. 23, 1996, 110 Stat. 2521 ; Pub. L. 105-85, div. A, title V, §513(c)(1), (d)(1), Nov. 18, 1997, 111 Stat. 1730 , 1731; Pub. L. 106-65, div. A, title V, §578(i)(3), Oct. 5, 1999, 113 Stat. 629 ; Pub. L. 107-107, div. A, title V, §513(b), Dec. 28, 2001, 115 Stat. 1093 .)

Historical and Revision Notes

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1204	37:271(a). 37:272(c) (less clause (5), and less last proviso). 37:272(f) (as applicable to 37:272(c)).	<u>Oct. 12, 1949, ch. 681, §§401(a), 402(c) (less clause (5), and less last proviso), 402(f) (as applicable to §402(c)), 63 Stat. 816 , 817, 820.</u>

37:271(a) is omitted as surplus. As it relates to retirement, it is only a statement of the general coverage of the retirement sections of this chapter. As it relates to separation, it is only a statement of the general coverage of the separation sections of this chapter. The words “a member * * * not covered by Section 1201, 1202, or 1203 of this title” are substituted for the words “a member * * * other than those members covered in subsections (a) and (b) of this section.” The words “if the Secretary also determines that” are substituted for the words “That if condition (5) above is met by a finding that,” in 37:272(c). The words “of such member,” “upon retirement”, and “to receive”, in 37:272(c), are omitted as surplus.

In clause (1), the words “based upon accepted medical principles” are inserted as a necessary implication of the rule stated in 37:272(c)(5).

In clause (2), the word “disability” is substituted for the word “injury” to make clear, in view of 37:278, that members on Active Duty for 30 days or less are on the same footing as those on Active Duty for a longer period, with respect to the effect of misconduct or neglect.

In clause (3), the words “and was not incurred during a period of unauthorized absence” are inserted to conform to other revised sections of this chapter and because of Section 1207 of this title. The words “full-time training duty, other full-time duty” are omitted as covered by the words “active duty”.

Clause (4)(A) is substituted for 37:272(f) (as applicable to 37:272(c)). 37:272(f) (proviso) is omitted as surplusage.

In clause (4)(B), the words “at the time of the determination” are substituted for the word “current”, in 37:272(c).

AMENDMENTS

2001-Par. (2)(B)(iii). Pub. L. 107–107, struck out , “if the site of the inactive-duty training is outside reasonable commuting distance of the member’s residence” before semicolon.

1999-Par. (2)(C). Pub. L. 106–65 added subpar. (C).

1997-Pub. L. 105–85, §513(d)(1), amended section catchline generally, inserting “or on inactive-duty training” after “30 days or less”.

Par. (2). Pub. L. 105–85, §513(c)(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “the disability is the proximate result of, or was incurred in line of duty after the date of the enactment of this Act as a result of-

(A) performing active duty or inactive-duty training;

(B) traveling directly to or from the place at which such duty is performed; or

(C) an injury, illness, or disease incurred or aggravated while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive duty training, if the site is outside reasonable commuting distance of the member's residence;”.

1996-Par. (2). Pub. L. 104–201 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “the disability is the proximate result of performing active duty or inactive-duty training or of traveling directly to or from the place at which such duty is performed;”.

1992-Par. (2). Pub. L. 102–484 inserted before semicolon at end “or of traveling directly to or from the place at which such duty is performed”.

1989-Par. (4)(B). Pub. L. 101–189 substituted “Department of Veterans Affairs” for “Veterans’ Administration”.

1986-Pub. L. 99–661 struck out; “disability from injury” after “30 days or less” in section catchline and “resulting from an injury” after “because of physical disability” in provisions preceding par. (1).

1985-Par. (1). Pub. L. 99–145 inserted “and stable” after “permanent nature”.

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102–484, div. A, title V, §516(b), Oct. 23, 1992, 106 Stat. 2407 , provided that: “The amendments made by subsection (a) [amending this section and section 1206 of this title] shall take effect with respect to disabilities incurred on or after November 14, 1986, but any benefits or services payable by reason of the applicability of those amendments during the period beginning on November 14, 1986, and ending on the date of the enactment of this Act [Oct. 23, 1992] shall be subject to the availability of appropriations.”

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99–661 applicable with respect to persons who, after Nov. 14, 1986, incur or aggravate an injury, illness, or disease or die, see section 604(g) of Pub. L. 99–661, set out as a note under section 1074a of this title.

Appendix C: Benefits Comparison

Benefit Title	Category	Retiree Benefit	Medical Retiree Benefit	Separatee Benefit	Medical Separatee Benefit	Description*	Source
Homeowners Assistance Program (HAP)	Family Services		●		●	The HAP authorizes the Secretary of Defense to provide financial aid to eligible military (including Coast Guard), civilian, certain overseas employees, and non-appropriated fund employee homeowners who have served or have been employed at or near military installations which the DoD has ordered to be closed or whose operations have been significantly reduced, and where real estate values have declined because of the announced closure or realignment.	DoD Directive 4165.50E, "Homeowners Assistance Program," February 7, 2014, http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodd/416550e.pdf .
Legal Assistance Services	Family Services	●	●			The Military Departments, within the limits of available resources and expertise, shall inform and educate persons eligible for legal assistance on estate planning generally, and the advisability of preparing a will or military testamentary instrument.	"Legal Assistance Matters," Department of Defense Directive 1350.4, accessed June 1, 2017 http://www.dtic.mil/whs/directives/corres/pdf/135004p.pdf ; "Free Legal Assistance," MilitaryOneSource, accessed June 1, 2017, http://www.military.com/benefits/military-legal-matters/legal-assistance-and-jag/free-legal-assistance.html .
Military Funeral Honors	Family Services	●	●	●	●	The rendering of Military Funeral Honors is a way to show the nation's deep gratitude to those who, in times of war and peace, have faithfully defended our country.	"Military Funeral Honors," http://www.defense.gov/ The Defense Manpower Data Center (DMDC), accessed June 1, 2017, https://www.dmdc.osd.mil/mfh/getLinks.do?tab=Home .
Military Morale, Welfare, and Recreation (MWR) Programs	Family Services	●	●		●	Military MWR programs are an integral part of the military and benefits package. It aids in recruitment and retention of personnel, promotes esprit de corps, and provides for the physical, cultural, and social needs; general well-being; quality of life; and hometown community support of Service members, select Veterans, and their families.	"Military Morale, Welfare, and Recreation (MWR) Programs," Department of Defense Instruction 1015.10, accessed June 1, 2017, http://dtic.mil/whs/directives/corres/pdf/101510p.pdf .

*Refer to the source for specific eligibility criteria for each benefit.

Benefit Title	Category	Retiree Benefit	Medical Retiree Benefit	Separatee Benefit	Medical Separatee Benefit	Description*	Source
Continued Health Care Benefit Program (CHCBP)	Healthcare & Life Insurance	●	●	●	●	The CHCBP is a premium-based plan that provides temporary health coverage for 18-36 months after losing eligibility for TRICARE; acts as a bridge between military health benefits and a new civilian health plan; provides the same coverage as TRICARE Standard; and gives minimum essential coverage required by the Affordable Care Act, but is temporary.	“Special Programs - Continued Health Care Benefit Program TRICARE,” U.S. Department of Defense, accessed May 25, 2017, https://tricare.mil/chcbp .
TRICARE For Life	Healthcare & Life Insurance	●	●			TRICARE For Life is Medicare-wraparound coverage for TRICARE-eligible beneficiaries who have Medicare Part A and B. This benefit is afforded to Service members for the remainder of their lives.	“TRICARE For Life,” U.S. Department of Defense, accessed June 1, 2017, https://www.tricare.mil/Plans/HealthPlans/TFL .
TRICARE Prime	Healthcare & Life Insurance	●	●			TRICARE Prime is a managed care option available in Prime Service Areas; geographic areas in the U.S. where TRICARE Prime is available.	“Health Plans - TRICARE Prime TRICARE,” U.S. Department of Defense, accessed May 25, 2017, https://tricare.mil/Plans/HealthPlans/Prime.aspx .
TRICARE Retiree Dental Program (TRDP)	Healthcare & Life Insurance	●	●			The TRDP is a voluntary dental plan.	“Dental Plan - TRICARE Retiree Dental Program TRICARE,” U.S. Department of Defense, accessed May 25, 2017, https://www.tricare.mil/CoveredServices/Dental/TRDP .
TRICARE Transitional Assistance Management Plan (TAMP)	Healthcare & Life Insurance			●	●	The TAMP provides 180 days of premium-free transitional health care benefits after regular TRICARE benefits end.	“Special Programs - Transitional Assistance management program TRICARE,” U.S. Department of Defense, accessed May 25, 2017, https://tricare.mil/tamp .

*Refer to the source for specific eligibility criteria for each benefit.

Benefit Title	Category	Retiree Benefit	Medical Retiree Benefit	Separatee Benefit	Medical Separatee Benefit	Description*	Source
TRICARE Retired Reserve	Healthcare & Life Insurance	●	●			TRICARE Retired Reserve is a premium-based plan available worldwide for retired Reserve members, their families and survivors who qualify.	“Health Plans - TRICARE Retired Reserve TRICARE,” U.S. Department of Defense, accessed May 25, 2017, https://tricare.mil/Plans/HealthPlans/TRR .
TRICARE Standard and Extra	Healthcare & Life Insurance	●	●			TRICARE Standard and Extra is a fee-for-service plan available in the United States for those who live in an area where TRICARE Prime is not available. <ul style="list-style-type: none"> •If you visit a non-network provider, you're using the Standard option •If you visit a network provider, you're using the Extra option 	“Health Plans - TRICARE Standard and Extra TRICARE,” U.S. Department of Defense, accessed May 25, 2017, https://tricare.mil/Plans/HealthPlans/TSE .
TRICARE Standard Overseas	Healthcare & Life Insurance	●	●			TRICARE Standard Overseas provides comprehensive coverage in all overseas areas.	“Health Plans - TRICARE Standard Overseas TRICARE,” U.S. Department of Defense, accessed May 25, 2017, https://tricare.mil/Plans/HealthPlans/TSO .
US Family Health Plan (USFHP)	Healthcare & Life Insurance	●	●			The six USFHP are among the health care choices for eligible beneficiaries under the Department of Defense’s TRICARE Prime program. Health care is provided to Active Duty family members, activated National Guard and Reserve family members, and retirees and their family members, including certain “grandfathered” beneficiaries who are age 65 and older.	“US Family Health Plan Benefits,” U.S. Department of Defense, accessed May 25, 2017, http://www.usfhp.com/the-alliance/benefits/ .
Combat-Related Special Compensation	Pay		●			This program provides a special monthly payment equivalent to the offset to military retired pay due to receipt of VA disability compensation determined to be combat-related.	“Concurrent Retirement & Disability Payments and Combat Related Special Compensation,” U.S. Department of Defense, accessed May 25, 2017, http://militarypay.defense.gov/Pay/Retirement/Concurrent.aspx .

*Refer to the source for specific eligibility criteria for each benefit.

Benefit Title	Category	Retiree Benefit	Medical Retiree Benefit	Separatee Benefit	Medical Separatee Benefit	Description*	Source
Concurrent Retirement and Disability Pay	Pay	●	●			This program provides a 10-year phase-out of the offset to military retired pay due to receipt of VA disability compensation.	“Concurrent Retirement & Disability Payments and Combat Related Special Compensation,” U.S. Department of Defense, accessed May 25, 2017, http://militarypay.defense.gov/Pay/Retirement/Concurrent.aspx .
Disability Retired Pay	Pay		●			Members who have been determined to be unfit for duty with a disability rated by the Military Department as 30 percent or greater are eligible for disability retirement.	“Disability Retirement,” U.S. Department of Defense, accessed May 25, 2017, http://militarypay.defense.gov/Pay/Retirement/Disability.aspx .
Disability Severance Pay	Pay				●	Disability Severance Pay is a one-time lump sum payment that occurs when a Service branch separates a Service member on the Temporary Disability Retirement List.	“Disability Severance Pay,” Defense Finance and Accounting Service, accessed May 25, 2017, https://www.dfas.mil/retiredmilitary/plan/separation-payments/disability-severance-pay.html .
Retirement Pay (CBS/REDUX)	Pay	●				Entered on or after August 1, 1986, AND elected to receive the Career Status Bonus (may elect to receive the Career Status Bonus, or be placed under the High-3 retirement system). Service members who remain on Active Duty or serve in the Reserves or Guard for a sufficient period of time (usually a minimum of 20 years) may retire and receive retired pay.	“Retirement,” U.S. Department of Defense, accessed May 25, 2017, http://militarypay.defense.gov/Pay/Retirement/ .
Retirement Pay (Final Pay)	Pay	●				Entry before September 8, 1980. Service members who remain on Active Duty or serve in the Reserves or Guard for a sufficient period of time (usually a minimum of 20 years) may retire and receive retired pay.	“Retirement,” U.S. Department of Defense, accessed May 25, 2017, http://militarypay.defense.gov/Pay/Retirement/ .

*Refer to the source for specific eligibility criteria for each benefit.

Benefit Title	Category	Retiree Benefit	Medical Retiree Benefit	Separatee Benefit	Medical Separatee Benefit	Description*	Source
Retirement Pay (High-36)	Pay	●				Entry on or after September 8, 1980, but before August 1, 1986, OR Entered on or after August 1, 1986, and did not choose the Career Status Bonus and REDUX retirement system. Service members who remain on Active Duty or serve in the Reserves or Guard for a sufficient period of time (usually a minimum of 20 years) may retire and receive retired pay.	“Retirement,” U.S. Department of Defense, accessed May 25, 2017, http://militarypay.defense.gov/Pay/Retirement/ .
Separation Pay	Pay			●		Beginning on June 20, 1991, full payment of non-disability separation pay has been authorized as a one-time payment to Military Service members of the Regular and Reserve Components who have been involuntarily separated from Active Duty and have met certain conditions.	“Separation Pay,” U.S. Department of Defense, accessed May 25, 2017, http://militarypay.defense.gov/Benefits/Separation-Pay/ .
Commissary and Exchange Benefits	Service Member Services	●	●			<p>The DoD commissary program is an income benefit provided through savings on purchases of food and household items necessary to subsist and maintain the household of the Service member for the inclusive period of compensated duty or service.</p> <p>The Armed Services Exchanges shall be the primary resale activity on DoD installations for non-food merchandise and patron services.</p> <p>(Some Separated Service members may receive this benefit on a limited temporary basis. Congress extended Commissary and Exchange access privileges for Service members who are involuntarily separated from Active Duty during the period beginning on October 1, 2007, and ending on December 31, 2018, so that you can continue to use commissary and exchange stores for a two-year period beginning on the date of the involuntary separation, in the same manner as a member on Active Duty.)</p>	<p>“DoD Commissary Program,” Department of Defense Instruction, Number 1330.17 (June 18, 2014), http://www.dtic.mil/whs/directives/corres/pdf/133017p.pdf; "Armed Services Exchange Policy," Department of Defense Instruction, Number 1330.17 (December 7, 2005) http://dtic.mil/whs/directives/corres/pdf/133009p.pdf; “10 U.S. Code § 1146 - Commissary and exchange benefits,” https://www.law.cornell.edu/uscode/text/10/1146.</p>

*Refer to the source for specific eligibility criteria for each benefit.

Benefit Title	Category	Retiree Benefit	Medical Retiree Benefit	Separatee Benefit	Medical Separatee Benefit	Description*	Source
Servicemembers Civil Relief Act (SCRA)	Service Member Services	●	●	●	●	The SCRA covers all Active Duty Service members, Reservists and the members of the National Guard while on Active Duty. The protection begins on the date of entering Active Duty and generally terminates within 30 to 90 days after the date of discharge from Active Duty.	<p>“Service Members Civil Relief Act,” U.S. Department of Defense, accessed May 25, 2017, http://militarypay.defense.gov/Benefits/Servicemembers-Civil-Relief-Act/</p> <p>“SCRA: Service members Civil Relief Act Overview,” accessed May 25, 2017, (http://www.military.com/benefits/military-legal-matters/scra/servicemembers-civil-relief-act-overview.html).</p>
Space-A Travel/MAC	Service Member Services	●	●			Space-Available Transportation. Authority granted to the Secretary of Defense to allow space on DoD assets to be used for the transportation of personnel (uniformed Service members, Retirees, National Guardsmen and Reservists (with restrictions), and family members) after space-required passengers and cargo have been accommodated.	“Air Transportation Eligibility,” Department of Defense Instruction 4515.13, http://www.dtic.mil/whs/directives/corres/pdf/451513p.pdf .
Unemployment Compensation (UCX)	Service Member Services	●	●	●	●	The UCX Program provides unemployment insurance protection to ex-service members of all ranks who served on Active Duty, separated under honorable conditions, in the Armed Forces of the United States.	“Unemployment Compensation,” U.S. Department of Defense, accessed May 25, 2017, http://militarypay.defense.gov/Benefits/Unemployment-Compensation/ .

*Refer to the source for specific eligibility criteria for each benefit.

Benefit Title	Category	Retiree Benefit	Medical Retiree Benefit	Separatee Benefit	Medical Separatee Benefit	Description*	Source
Relocation Assistance	Transitioning & Retirement	●	●	●	●	A member leaving Active Duty is authorized travel and transportation allowances to a home selected by the member or their home of record from the last Permanent Duty Stations.	“THE JOINT TRAVEL REGULATIONS (JTR),” accessed June 1, 2017, https://www.defensetravel.dod.mil/Docs/perdiem/JTR.pdf .
Temporary Disabled Retired List (TDRL)	Transitioning & Retirement	●	●			If a Service member is found unfit to perform his/her duties because of a disability that may not be permanent, he/she may be placed on the TDRL. His/her retired pay will be computed using his/her disability percentage or years of active services, whichever is more beneficial to the Service member.	“Disability Retirement,” Defense Finance and Accounting Service, accessed May 25, 2017, https://www.dfas.mil/retiredmilitary/disability/disability.html .
Thrift Savings Plan (TSP)	Transitioning & Retirement	●	●	●	●	The TSP is a Federal Government-sponsored retirement savings and investment plan which offers the same type of savings and tax benefits that many private corporations offer their employees under 401K plans. Contributions are no longer an option upon retirement/separation.	“Thrift Savings Plan,” U.S. Department of Defense, accessed May 25, 2017, http://militarypay.defense.gov/Benefits/Thrift-Savings-Plan/ .
Transition Assistance Program (TAP)	Transitioning & Retirement	●	●	●	●	The TAP provides information, tools, and training to ensure Service members and their spouses are prepared for the next step in civilian life whether pursuing additional education, finding a job in the public or private sector, or starting their own business.	“DoD Transition Assistance Program,” U.S. Department of Defense, access May 25, 2017, https://www.dodtap.mil/index.html .

*Refer to the source for specific eligibility criteria for each benefit.

Appendix D: Applying for Board for Correction of Military Records/Board for Correction of Naval Records

Veterans who desire relief should complete the application form, DD Form 149 (<http://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd0149.pdf>) and send it to their Service's BCMR/BCNR (the address is on the form).

Veterans seeking a disability rating based on a change in law or policy should cite the policy change, submit appropriate supporting documentation, and articulate how the Veteran would qualify for a medical retirement under current policy. There are three keys to successful applications for upgrade or correction. First, it is critical to explain why the Veteran's discharge or other record was unjust or erroneous, i.e., how it is connected to, or resulted from unjust policies, a physical or mental health condition incurred or aggravated in the line of duty, or some other explainable or justifiable circumstance. Second, it is important to provide support, where applicable, for key facts. If a Veteran has a relevant medical diagnosis, it would be very helpful to include medical records that reflect that diagnosis. Third, it is helpful, but not always required, to submit copies of the Veteran's applicable service records. The more information provided, the better the boards can understand the circumstances of the discharge.

Personnel records for Veterans who served after 1997 are accessible online and are retrievable through the Defense Personnel Records Information Retrieval System (DPRIS) website at <https://www.dpris.dod.mil/>. Those who served prior to 1997 or for whom electronic records are not available from DPRIS must request their records from the National Personnel Records Center using the eVetRecs website at: <http://www.archives.gov/veterans/military-service-records/>.

Veterans may look to their specific Military Departments for additional information or assistance:

Air Force BCMR:

Website: <http://www.afpc.af.mil/board-for-correction-of-military-records>
Phone: 240-612-5379
E-mail: usaf.pentagon.saf-mr.mbx.saf-mrbc@mail.mil

Army BCMR:

Website: <http://arba.army.pentagon.mil/>
E-mail: army.arbainquiry@mail.mil

Navy BCNR:

Website: <http://www.secnav.navy.mil/mra/bcnr/Pages/home.aspx>
Phone: 703-607-6111
E-mail: BCNR_Application@navy.mil