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INFORMATION PAPER

MCJA-OSC
26 November 2014

SUBJECT: Concurrent Retirement and Disability Pay (CRDP) and Combat Related Special Compensation (CRSC)

1. Purpose: To provide information for Soldiers going through the MEB/PEB process on the differences between Concurrent Retirement and Disability Pay (CRDP) and Combat Related Special Compensation (CRSC)

2. Facts: CRDP and CRSC were created to offset the money taken out of military retired pay through a VA waiver. If you are receiving military retired pay, and that retired pay is being reduced by a VA waiver, you could be eligible for one or both of these programs.

3. Concurrent Retirement and Disability Pay (CRDP). CRDP is applicable to all retirees with twenty years or more service who have a VA-rated, service-connected disability of 50% or higher. CRDP does not need to be applied for. A service member who qualifies will be enrolled automatically. To be eligible for CRDP a service member must be eligible for retirement pay regardless of their disability. Additionally, the service member must meet one of the following criteria:

a. Regular (non-disability/20 years active) retiree with a VA disability rating of 50 percent or greater;

b. Reserve retiree with 20 qualifying years of service with a VA disability rating of 50 percent or greater and has reached retirement age;

c. Identified under the Temporary Early Retirement Act (TERA) and has a VA disability rating of 50 percent or greater; or

d. Disability that is otherwise qualified (20 years active); or

e. Disability that is qualified for a reserve retirement 10 USC 12731 AND is over 60 years of age.

4. Combat Related Special Compensation (CRSC). CRSC is a program that was created for disability and non-disability military retirees with combat-related disabilities. CRSC is a monthly tax free entitlement that may be received along with any retired pay the Soldier may already be receiving. CRSC is NOT military retired pay. To be eligible for CRSC, the disability must be considered combat-related under 10 U.S.C Sec. 1413a(e) by meeting one of the criteria below:

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a. Direct result of armed conflict: This means the injury or disease was incurred while engaged in armed conflict, an operation or incident involving armed conflict, while interned as a prisoner of war or detained against their will in the custody of a hostile or belligerent force, or while escaping or attempting to escape from such prisoner of war or detained status. The disability must also be based upon a direct causal relationship between the armed conflict, operation, prisoner of war, or detained status and the injury. A causal connection is not established merely because the disability was incurred while in an area of armed conflict or hostilities. (On your DA 199, this referred to as “10a” or “V1”).

b. Instrumentality of War: An instrumentality of war is a device (material object) designed primarily for military service and intended for use in such service at the time of the occurrence of the injury. The occurrence should be a hazard to which the Soldier was subjected to as an incident of military service. The device was used in the performance of military duty. (On your DA 199, this is referred to as “10c” or “V3”).

c. Hazardous service: Special dangers associated with armed conflict such as Flight duty, parachute duty, demolition duty, diving duty, and experimental stress duties. There should be a specific injury, not a chronic condition, unique to hazardous service, not normally found in civilian life.

d. Preparation or training (simulations) for armed conflict. Some examples include: Live fire exercises, assault courses, bayonet training, grenade training, hand-to-hand combat training, rappelling, FTXs, combat obstacle/night infiltration courses, and airborne and air assault operations. There must be a close relationship between the injury or disease and the training specific to combat operations.

e. In addition, Injuries as a direct result of an instrumentality of war, NOT incurred during a period of war may be eligible.

f. To qualify for CRSC the service member must:

- (1) Be entitled to and/or receiving military retired pay;
- (2) Be rated at least 10 percent by the Department of Veterans Affairs;
- (3) Be a reserve Soldier at least 60 years old or retired under Temporary Early Retirement Authorization (TERA); and
- (4) Waive VA disability payment; and
- (5) File a CRSC application with your Branch of Service.

5. Considerations for Soldiers Eligible for both CRDP and CRSC.

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a. A Retiree cannot receive both CRDP and CRSC. NOTE: DFAS will automatically elect CRSC if it is the higher payment amount assuming the Soldier has applied for and been approved for CRSC unless the Soldier elects otherwise. Eligible retirees can elect either CRDP or CRSC regardless of which is the higher payment amount. This election can be made once a year and the retiree is allowed to alternate yearly between the two payments. Below is a chart that summarizes the comparisons between CRDP and CRSC:

	CRDP	CRSC
Type of disability required	Service-connected	Combat-related
Considered longevity retired pay	Yes	No
Divisible as property	Yes	No
Minimum disability rating required	50%	10%
Taxable	Yes	No
Phase-in	Yes*	No
Retroactive payment	No	Yes**
Increases with number of dependents	No	Yes***
Available for support determinations and garnishments	Yes	Yes
Survivor benefit available	No	No
Claim Process	Automatic	Must apply through Branch of Service

* Except for 100% disability cases
**Payment is retroactive to the date of filing of the VA claim
***If CRSC rating is 40% or more

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6. Switching from CRDP to CRSC: Payments are retroactive to the later of the date of filing of the VA Claim or the enabling legislation. Therefore, if the retiree has been getting CRDP and elects CRSC, there will be a one-time retroactive payment and the money received under CRDP for the same period covered by CRSC retroactive payment will be taken back. The payback of CRDP will be subtracted from the retroactive CRSC payment that he receives.

7. This Information Paper is intended as general information only. A Soldiers' Counsel is available to provide specific legal advice to Soldiers involved in the MEB/PEB process. Contact your local Office of Soldiers' Counsel for more information. If you don't know how to reach your local OSC office please contact you PEBLO or see our website for contact information at <https://www.jagcnet.army.mil/otjagosc>.

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