

5-11. Garnishment of Pay.

Retired pay may be garnished for enforcement of a Retired Soldier's legal obligations to provide child support or make alimony payments. Upon receipt of a valid court order, DFAS-CL may use retired pay that is available, including any allotments from such pay, to satisfy the amount of the writ. The amount of the writ can include all retroactive amounts for which a Retired Soldier may be delinquent in child support or alimony payments. DFAS-CL will attempt to notify a Retired Soldier of any garnishment against retired pay. Only the Retired Soldier's disposable retired pay is subject to garnishment.

"Disposable" Retired pay is defined as the gross retired pay entitlement less:

- Amounts owed to the U.S. Government.
- 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.
- State taxes, under certain conditions.
- Compensation deductions under Title 5 (Civil Service) or Title 38 (VA).
- SBP or Retired Serviceman's Family Protection Plan (RSFPP) premium deductions, regardless of the beneficiary.

The garnishment amount is limited to 50 percent of disposable pay if the Retired Soldier is supporting a second family, and 60 percent if the Retired Soldier is not supporting a spouse or dependent child. When a Retired Soldier is more than 12 weeks in arrears for support, the limitation is 55 percent if the Retired Soldier is supporting a second family, and 65 percent if the Retired Soldier is not supporting a second family. IAW DOD Financial Management Regulation 7000.14-R, Volume 7A, Chapter 41.

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

For information on division of retired pay as property in a divorce, see Chapter 12.

VA compensation can be garnished if the Retired Soldier waived all or part of their retired pay in order to receive such compensation from the VA. All other VA compensation (e.g., pension, payments for service-connected disability, or death) may not be garnished.

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

Combat-Related Special Compensation (CRSC) is a Department of Defense (DOD), not a VA, program under T10 USC §1413a. CRSC restores military retired pay that is offset when a retiree accepts compensation from the VA for a disability or condition that can be directly linked to a combat-related event (as defined by the CRSC DOD program guidance). The CRSC benefit allows eligible retirees to concurrently receive an amount equal to or less than their length of service retirement pay and their VA disability compensation. If approved, it is a form of concurrent receipt paid monthly.

Eligible retiree categories include 20 or more years of service, medical retirement under Chapter 61, Temporary Early Retirement Authority (TERA), and Temporary Disabled Retirement List (TDRL).

- From June 1, 2003 to December 31, 2003 eligible members are military Retired Soldiers who have completed at least 20 years of service for retired pay computation (or 20 qualifying years in the reserve component) and who either have at least a 10 percent disability based on combat injuries for which they have been awarded the Purple Heart, or who are rated as at least 60 percent disabled due to armed conflict, hazardous duty, training exercises, or mishaps involving military equipment.
- Effective January 1, 2004 through December 31, 2007 eligible members are military Retired Soldiers who have 20 or more qualifying years of service for retired pay computation (or 20 qualifying years in the reserve component) and who are rated as at least 10 percent disabled due to armed conflict, hazardous duty, training exercises, or mishaps involving military equipment.
- Effective January 1, 2008 to current, the requirement to have 20 years of credible service for retired pay was removed. Retired Soldiers (including chapter 61, Disability Retirees) are qualified to receive CRSC if they have a Combat-Related VA service connected disability rating of 10 percent or higher and are drawing retirement pay, which is reduced by a VA waiver. In

addition, the 2008 National Defense Authorization Act (NDAA) expands CRSC eligibility to cover those who were medically retired under Chapter 61, Temporary Early Retirement Authority (TERA), and Temporary Disability Retired List (TDRL) Retired Soldiers with less than 20 years of service. Medical and TERA Retired Soldiers must still provide documentation that shows a causal link between a current VA disability and a combat related event.

Retirees must first meet all of the following criteria to be eligible to apply for CRSC:

- Veteran must be retired and receiving military retired pay before applying for CRSC.
- Veteran must have been awarded 10 percent or greater service connected disability percentage by the VA. The VA awarded condition MUST meet the definition of the combat-related (as defined by CRSC DOD program guidance).
- Veteran must have a VA waiver (VA waiver Form 21-651, MAR 2005) in place for by-law reduction of military retired pay in amount of VA disability payment. Form available on the VA page at https://www.va.gov/vaforms/form_detail.asp?FormNo=21-651.
- Veteran must have accurately completed and signed the CRSC application form (DD Form 2860, July 2011). Your claim cannot be processed unless this step is completed.

Some examples of combat-related situations (and corresponding required proof) vs. noncombat-related situations are as follows:

Situation	Possible Combat-Related	CRSC Required Proof	Noncombat-Related		
Simulating War <i>Must be contributed to "training for combat"</i>	Tactical Road/Ruck Marches	<ul style="list-style-type: none"> • Medical documentation, 15-6 investigation, etc. AT THE TIME OF EVENT, showing training site evacuation and connected to the claimed disability to the combat-related evacuation. • Documentation generated years after the claimed event (i.e.: Medical Retirement LODs DO NOT qualify). • Medical Documentation at the time of event connecting claimed disability to the combat-related evacuation • Valor Awards • Purple Heart • CAB/CIB/CMB • Deployment Commander Statement 	PT Related Road Marches		
	Confidence Obstacle Courses		Physical Fitness Training		
	Rappelling Training		Battalion Run		
Hazardous Service <i>Linked to specific incident</i>	Flight Duty		<ul style="list-style-type: none"> • Documentation generated years after the claimed event (i.e.: Medical Retirement LODs DO NOT qualify). 	Military job related injuries not caused by a specific incident (i.e.: Assigned infantry, artillery, engineers, etc.)	
	Demolition Duty			<ul style="list-style-type: none"> • Documentation generated years after the claimed event (i.e.: Medical Retirement LODs DO NOT qualify). 	Military sedan in civilian vehicle accident
	Parachute Duty				Repairing military vehicle in maintenance setting
	Rappelling from military aircraft				Improper use of pyrotechnics
Instrumentality of War <i>Instrument must be used in military training</i>	Diving Duty		<ul style="list-style-type: none"> • Documentation generated years after the claimed event (i.e.: Medical Retirement LODs DO NOT qualify). 	Off-post weapon incidents	
	Military vehicle rollover during a convoy mission			<ul style="list-style-type: none"> • Documentation generated years after the claimed event (i.e.: Medical Retirement LODs DO NOT qualify). 	Military sedan in civilian vehicle accident
	Tanks, armored vehicles, etc.				Repairing military vehicle in maintenance setting
Armed Conflict <i>Occurred in combat zone</i>	Ammunition and explosive devices		<ul style="list-style-type: none"> • Documentation generated years after the claimed event (i.e.: Medical Retirement LODs DO NOT qualify). 	Improper use of pyrotechnics	
	Injuries sustained from weapons malfunction			Off-post weapon incidents	
	Gunshot wound	<ul style="list-style-type: none"> • Medical Documentation at the time of event connecting claimed disability to the combat-related evacuation • Valor Awards • Purple Heart • CAB/CIB/CMB • Deployment Commander Statement 		Service-related injuries in combat zone (i.e., aircraft emergency landing due to maintenance, repetitive motion injuries, non-direct combat related PTSD, etc.)	
	Shell fragment wounds / shrapnel			<ul style="list-style-type: none"> • Medical Documentation at the time of event connecting claimed disability to the combat-related evacuation • Valor Awards • Purple Heart • CAB/CIB/CMB • Deployment Commander Statement 	Sporting events / recreational activities in a hostile area
PTSD directly related to contact (direct or indirect) with the enemy					
	Aircraft shot down due to enemy fire				
	Terrorist bomb				

- CRSC applicants should note that an uncorroborated statement in a record that a disability is combat-related would not be considered for purposes of meeting combat-related program standards; documentation verifying the cause of the disability is required.
- Program reviews will determine which disabilities, if any, are combat-related or are the result of an injury for which the member was awarded a Purple Heart. Combat-related disabilities include those that are the direct result of armed conflict or from conditions that simulate combat, or that

result from the performance of uniquely hazardous military duties, or caused by an instrumentality of war.

- The program will make a combat-related presumption if VA disability compensation is specifically based on service-connected exposure to hazards, which are clearly combat-related, to include Agent Orange, Gulf War illnesses, radiation exposure, mustard gas and Lewisite.
 - Post-Traumatic Stress Disorder (PTSD) requires engagement with the enemy (direct or indirect) combat-related documentation.

The Army CRSC program only determines eligibility for the program, the Defense Finance and Accounting Service (DFAS) determines and administers payment amounts. DFAS bases its payment calculations on the amounts equal-to or less-than the veteran's length of service retirement pay and their VA disability compensation. For instance, a Specialist (E-4) medically retired with three years' time-in-service would receive \$175.00 or less per month in CRSC benefits.

- Payments equal the amount of VA disability compensation for combat-related disabilities, but are reduced for Retired Soldiers who retired from the Army under Chapter 61 (disability), whose retired pay exceeds what they would have received under a length of service retirement.
- Payments are limited to the amount of the retired pay offset that results from receipt of VA disability compensation.
- Payments will be retroactive to the date approved by the Army CRSC program for all approved applications of those retired on or before the date of this law, to the extent otherwise allowed by law, providing the applicant is otherwise qualified. Title 31 USC §3702 Six-Year Statute of Limitations, applies to CRSC retroactive payments.

Staffing constraints and volume of applications are the primary hindrance to claims processing; however, incomplete DD 2860 forms and/or failure to submit supporting documentation are also contributing to delays processing of a claim. The program is working several initiatives to shorten this wait time; however, the delay in decision will not penalize a veteran from receiving what (if any) is due. If eligible for compensation, DFAS will pay the veteran ALL tax-free back pay due to them.

Retired Soldiers will be informed if their claim was approved, partially approved or denied, as well as the reasoning behind the decision. If denied, the veteran may reapply later but must provide the documented proof linking their CRSC claimed disability to a qualifying combat-related event. The program allows a maximum of three reviews of a claimed disability. If still denied after the third attempt, the program's disapproval letter will direct the veteran to file their claim with the Army Board for Correction of Military Records (ABCMR) / Army Review Board Agency (ARBA). The letter will contain the ABCMR/ARBA address and contact information.

The Army's CRSC program office, charged with processing CRSC claims, is under the Special Compensations Branch (SCB), Army Personnel Records Division (APRD), The Adjutant General Directorate, Army Human Resources Command (AHRC). For more information on CRSC, visit the HRC website at [https://www.hrc.army.mil/content/CRSC%20\(Combat-Related%20Special%20Compensation\)](https://www.hrc.army.mil/content/CRSC%20(Combat-Related%20Special%20Compensation)), call toll free 1-888-276-9472 (Mon - Fri / 0800-1900 hours EST) or email CRSC questions to askhrc.army@us.army.mil.

5-13. Concurrent Retirement and Disability Pay (CRDP).

For over 100 years, Retired Soldiers have been barred from concurrently receiving tax-free VA disability compensation and military retired pay. VA disability compensation used to offset military retired pay dollar-for-dollar.

In the FY04 NDAA, Congress enacted a so-called Concurrent Receipt "compromise" law that grants payment of full retired pay and full VA disability compensation to certain military Retired Soldiers. Concurrent Retired and Disability Pay (CRDP) was phased in over a period of 10 years, which began January 1, 2004.

Eligibility, Retired Soldiers who:

- are retired for length of service, or if retired for disability (Chapter 61, USC), completed sufficient service to have retired for length of service; and
- are rated by the VA as at least 50 percent service-connected disabled (“service-connected” is not necessarily “combat-related”).

A Retired Soldier who receives Combat-Related Special Compensation (CRSC) cannot also receive CRDP, if otherwise qualified. DFAS-CL will conduct an annual one-month Open Season (typically in January) during which time a Retired Soldier who qualifies for both programs can opt to change the program under which he or she is paid.

No application for CRDP is needed. VA and DFAS-CL databases are used to determine eligible Retired Soldiers, and payment is made automatically to those who are eligible.