GENERAL QUESTIONS:

1. What is Transitional Compensation (TC)?

   The TC program was established by Congress as an entitlement for abused dependents of military personnel in the Fiscal Year 1994 Department of Defense (DoD) Authorization Act (P.L. 103-160). The legislation authorizes temporary payments for Families in which the Active Duty Soldier has been court-martialed with a qualifying sentence (forfeiture of all pay and allowances, or bad conduct discharge, or dishonorable discharge, or in the instance of officers and commissioned warrant officers, dismissal from the Service) or is being administratively separated from the military as a result of a dependent-abuse offense. The program, as implemented by DoD and the Army, helps to ease the unexpected transition from military to civilian life for eligible Family members who have experienced a dependent-abuse offense. The Family and Morale, Welfare and Recreation Command (FMWRC) assumed proponency for TC and began authorizing payments in August 1995 in accordance with DoD Instruction (DoDI) 1342.24, “Transitional Compensation for Abused Dependents.”

2. What benefits are provided for those who are approved for TC?

   The TC Program offers benefits and entitlements for 12-36 months to eligible Family members. During the entitlement period, beneficiaries are entitled to commissary and exchange privileges. They are also eligible to receive medical care, including behavioral health services, as TRICARE beneficiaries. Dental care services may be provided in dental facilities of the Uniformed Services on a space available basis. Eligible Family members receive monthly payments based on the current monthly Dependency and Indemnity Compensation (DIC) rate.

3. Who processes TC cases at the installation level?

   The Family Advocacy Program Manager (FAPM), Victim Witness Liaison (VWL), Victim Advocate (VA) or designee processes TC cases at the installation level and assists eligible Family members in completing the DD Form 2698, Application for TC. The FAPM, VA, VWL or designee also obtains the required accompanying documentation (In accordance with (IAW) Army Regulation 608-1, Appendix G). Applications are forwarded to FMWRC for review and approval of compensation and benefits.

4. What happens to the TC cases once they reach FMWRC?

   Once a TC case has been received by the TC Program Manager at FMWRC, the case is reviewed to ensure all required documentation is present. The case then undergoes an administrative review. This review can take anywhere from 10-14 business days.
5. What happens after a TC Case is approved?

If the case is approved, the TC Program Manager will notify the installation TC point of contact (POC) who submitted the case so that the TC applicant can be informed. If the case is denied, a letter will be forwarded to the applicant and the TC POC. When approved, the TC Program Manager notifies the Defense Finance and Accounting Service (DFAS) of newly approved TC cases so that TC payments can be initiated. The TC Program Manager also notifies the Military Identification Card Section of the Army Project Office of all newly approved TC cases, so the approved recipients can be updated in the Defense Enrollment Eligibility Reporting System (DEERS) system under the recipient’s own social security number.

6. If an applicant for TC does not have a Social Security Number (SSN), can he/she still apply for TC?

Yes. The applicant can use his/her Foreign Identification Number (FIN) in lieu of a SSN. If the applicant does not have a FIN or SSN, the applicant will have to obtain a Taxpayer Identification Number (TIN) from the Internal Revenue Service (IRS). Please consult with the FMWRC TC Program Manager for more information.

7. Is there a “Statute of Limitations” for TC?

No. Applications for TC can be submitted to FMWRC as long as the dependent-abuse offense that resulted in the separation of the Soldier occurred after November 29, 1993. However, it is stressed that the program is designed to assist victims of dependent-abuse in the wake of losing the income they relied upon and for helping them avoid the incentives to stay in abusive relationships.

Payment Questions:

8. How are TC payments disbursed?

Monthly TC payments are disbursed by DFAS on the first business day of each month. If the first day of the month falls on a Saturday, Sunday or a holiday, the payment will be disbursed on the first business day after this date. Payments can be directly deposited into a recipient’s savings or checking’s account or they can be mailed directly to the recipient. TC payments cannot be deposited into a foreign bank account.

9. How long does it take for the eligible Family member to receive his/her first TC payment?

It may take up to six weeks from the time a case was approved by FMWRC for the eligible Family member to receive his/her first TC payment.
10. **Explain the DFAS “recertification” process.**

IAW DFAS policy, each year, on the anniversary date of the TC recipient’s initial payment, DFAS mails a Certificate of Eligibility (COE) letter to each TC recipient. This letter verifies the recipient’s eligibility for TC by ensuring that the dependent has not remarried and is not residing with the Soldier who was separated from the Army. It is important for the TC recipient to accurately complete the COE letter and return it to DFAS as soon as possible. DFAS does not send a copy of the COE letter to the VA or VWL.

It is the TC recipient’s responsibility to provide DFAS with his/her current mailing address. If this information is not provided to DFAS, TC payments can be suspended.

11. **Are TC payments tax free?**

Yes. However, we strongly recommend that you speak with a tax attorney or subject matter expert in filing United States Taxes.

12. **How do TC recipients verify their receipt of TC?**

TC recipients can request verification of TC payments by sending a fax to DFAS, Attn: Victims of Abuse (VOA) at (216) 522-6470. The request must be signed by the recipient and must include the recipient’s SSN and the address for where the verification letter should be mailed.

13. **What should a recipient do if their payment was mailed to the wrong mailing address or deposited into the wrong direct deposit account?**

The recipient will need to contact DFAS at (216) 522-5977 indicating the TC payment was mailed to the wrong address or deposited into the wrong direct deposit account and someone at DFAS will assist the recipient.

**TC BENEFITS:**

14. **If a client was receiving TC payments before the annual DIC rate increase, and the rate changed a few months later, will the TC recipient begin receiving the higher amount?**

Yes. TC payments are determined by the DIC amounts. On 1 December of each year these rates are re-evaluated. Once an individual becomes eligible for TC, his/her monthly payment may increase if the annual rate changes.
15. Are TC recipients entitled to Dental coverage?

The statute specifies that the TC recipient will have access to dental care on a space available basis. The DENTAC commander of each installation determines who is eligible for care at the DENTAC facility. It may be beneficial for the FAPM, VA, VWL or designee, to develop a positive working relationship with the DENTAC commander to ensure that he/she is informed of the TC policy that provides access to dental care for eligible dependents, when possible.

**TC ELIGIBILITY:**

16. What procedure should be followed if there is suspicion that a TC recipient is fraudulently collecting TC?

If you have reasonable suspicion to believe that a TC recipient is residing with the Soldier/former Soldier who was separated from the Army, report it to the installation Provost Marshal's Office for investigation. TC payments may be suspended and subsequently terminated if it is determined that a TC recipient is in fact residing with the Soldier/former Soldier.

17. If a dependent-abuse case was not substantiated by the Case Review Committee (CRC), is the dependent spouse eligible for TC benefits?

TC approval is not based upon a CRC substantiation of abuse by the Soldier. It is based upon the separation (initiation of an administrative separation or court-martial conviction (with a qualifying sentence)) for a dependent-abuse offense. The administrative separation/court-martial conviction of the Soldier is a separate issue from a substantiation determination made against the dependent spouse by CRC.

However, CRC determinations may be submitted as proof of a dependent-abuse offense in Exceptional Eligibility cases. The local TC POC will advise you as to when it is appropriate to submit CRC findings.

18. How is “active participation” in abuse by the dependent spouse determined?

Active participation is determined on a case-by-case basis and as a result of reviewing the facts of the case. If the dependent spouse is substantiated by CRC or it is confirmed by CID that the dependent spouse played an active role in the dependent-abuse that resulted in the Soldier’s separation from the Army, contact your servicing legal office for assistance to determine whether the dependent spouse is eligible for TC.
19. If the eligible spouse remarries, are the children still eligible to receive TC support?

If the eligible spouse remarries, he/she is no longer eligible to receive TC support. TC payments terminate as of the date of the remarriage. Any children who are living with the remarried spouse also become ineligible for further TC support.

However, if the child resides with a court appointed guardian, such as a grandparent, relative, or is a ward of the state and who is not the ineligible parent, the child remains eligible for TC. In these situations, legal documentation is required to support guardianship. Payments are paid to the court appointed guardian on behalf of the child. If the child has reached the age of majority and is not incapacitated, payments can be made directly to the child.

**DEFINITION OF A DEPENDENT:**

20. If a dependent spouse is pregnant during a dependent-abuse offense, and she subsequently files for TC after the birth of that child, is the new-born child eligible for TC? What if the unborn child is injured as a result of the abuse against the child’s mother during pregnancy?

No. By definition an unborn child is not considered a dependent under the current TC statute, and therefore, an unborn child would not be eligible for TC after birth. For a child to be eligible for TC, the child must be a dependent of the Soldier and residing with the Soldier at the time of the dependent-abuse offense that resulted in the Soldier’s separation from the Army. The definition of a dependent is long-standing, and is one of the factors for determining eligibility for TC cases.

**GUARDIANSHIP OF DEPENDENT CHILDREN:**

21. Is documentation of Power of Attorney sufficient to establish guardianship of a child?

No. A court order is necessary to establish guardianship of a child.

**EXCEPTIONAL ELIGIBILITY:**

22. What recourse does a TC applicant have if a Soldier’s Commander is not willing to document a dependent-abuse offense or the dependent-abuse was left off of the memorandum to initiate an administrative separation?

This scenario might fall under the category of “Exceptional Eligibility.” On 14 April 08, the Undersecretary of Defense for Personnel and Readiness issued a Directive Type Memorandum (DTM), Exceptional Eligibility for Transitional Compensation for Abused Dependents. This DTM authorizes the Secretary of the Army (SA) to review and
approve cases in which a Soldier was separated from the Army for a non-dependent-abuse offense, even though the Soldier committed a dependent-abuse offense.

If there is reluctance on the part of the command to document a dependent-abuse offense on the administrative separation paperwork, the FAPM, VA, or designee may want to educate the command on the new exceptional eligibility policy. It is important to emphasize to command that these types of cases require the SA’s review and approval, and are based on the fact that the command was aware of the dependent-abuse, but elected not include it on the documentation that resulted in the Soldier’s separation.

**ADMINISTRATIVE SEPARATION:**

23. **When can a dependent Family member apply for and begin receiving TC in cases that involve a Soldier facing administrative separation?**

IAW AR 608-1, a dependent Family member is eligible to begin receiving TC based on the date a commander initiates the action to administratively separate a Soldier due to a dependent-abuse offense. It is imperative that a Commander clearly indicates on the administrative separation document that a Soldier is being separated for a dependent-abuse offense.

If TC payments and benefits have been started as the result of an action to initiate a Soldier’s separation, but later the administrative separation is disapproved, then TC payments and benefits will terminate. If this occurs the dependent Family member would not be required to refund the government for the financial support already received.

24. **In the case where a Soldier resigns or requests a discharge in lieu of trial by court-martial before being separated from the Army or court martialed, is the dependent Family member still eligible for TC benefits?**

Yes. If this occurs consult with your SJA or servicing legal office to ensure the documentation clearly indicates the dependent-abuse offense that was committed by the Soldier.

**COURT MARTIALS AND CIVILIAN COURT:**

25. **When a Soldier is being charged and tried in a civilian court for a dependent-abuse offense, will the military follow up the civilian court conviction with an administrative separation?**

It is likely that this Soldier’s commander will initiate an action to administratively separate the Soldier based upon the civilian court determination. Once the conviction has been made, be sure to provide this information to the Commander and help him/her to understand the qualifications for TC.
26. If a civilian court finds a Soldier guilty of a dependent-abuse offense, could this be used to support a TC claim?

Yes. The Command could use the evidence from a civilian court verdict to initiate an administrative separation, which then could be used to support a dependent’s TC claim.

27. When do TC benefits begin for an applicant if the Soldier was convicted?

TC payments begin on the date the qualifying court-martial sentence is adjudged. DD Form 4430, the Result of Trial form, can be used to establish the date upon which the sentence is adjudged and therefore when TC begins for the eligible Family member.

ARMY NATIONAL GUARD SOLDIERS, ARMY RESERVES, AND DUAL MILITARY HOUSEHOLDS:

28. Are Family members of Title 32 Soldiers eligible for the TC Program?

The ARNG/Reservist would have to have been on Active Duty (AD) for more than 30 days for their dependent to qualify for the TC. If the Soldier is on AD status for a period of thirty days or more and he/she is convicted in a court martial or administratively separated from active duty for a dependent-abuse offense that occurred while the Soldier was on AD, then his/her dependent may be eligible for TC.

The statute, 10 USC 1059(b) specifically requires: Punitive and other adverse actions covered. This section (10 USC 1059, the TC statute) applies in the case of a member of the armed forces on active duty for a period of more than 30 days—

1) who is convicted of a dependent-abuse offense (as defined in subsection (c)) and whose conviction results in the member—

   a) being separated from active duty pursuant to a sentence of a court-martial; or

   b) forfeiting all pay and allowances pursuant to a sentence of a court-martial; or

2) who is administratively separated, voluntarily or involuntarily, from active duty in accordance with applicable regulations if the basis for the separation includes a dependent-abuse offense.

29. If the family is dual military, can the non-offending active duty spouse still receive TC?

Yes.