

TRANSITIONAL COMPENSATION (TC)

- **BLUF:** TC Program is congressionally mandated entitlement through Title 10 USC 1059 to provide monetary, medical, dental, commissary, and base exchange privileges to abused Family members of Soldiers separated from active duty as a result of a dependent-abuse offense.
- Payments are for a minimum of 12 months or until what would have been the Soldier's end of obligated service, whichever is greater, but may not exceed 36 months.
- Annual cost of TC is based on the number of beneficiaries approved for participation in the program; therefore the cost of increasing benefits varies from year to year.
- 2003-2008 -Average payment duration was 22 months; total disbursement during this 5-year period was \$17.4M.
- Current monthly rate is \$1,154 for the spouse and \$286 for each eligible child residing with the spouse. During the last 5 years, average number of open TC cases ranged from 188 to 220.
- Number of TC disbursements has risen only moderately within the last 5 years. Increase in the amount disbursed is due to an increase in the average duration of payments.
- Anticipate moderate increases in the number of TC applications submitted in FY09 as efforts persist in increasing program awareness through training and increased visibility of the program.

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Q: What has the Army done to assist Family members who are victims of dependent-abuse and whose Soldier has been separated from the Service as a result of that abuse?

A: TC Program provides support to Family members of Soldiers separated from active duty due to dependent-abuse. TC is an entitlement program designed to provide monthly benefits to Family members of Soldiers who have been court-martialed or administratively separated as a result of a dependent-abuse offense.

Q: What is a dependent-abuse offense?

A: Conduct by a Soldier, while a member of the Army on active duty for a period of more than 30 days, that involves abuse of the then current spouse, or a dependent child of the Soldier, punishable under UCMJ or other local civilian jurisdiction.

Q: How do Family members apply for Transitional Compensation?

A: Family members must apply through their local ACS FAP Manager, Victim Witness Liaison, or Victim Advocate or designee, who will assist them in completing the DD Form 2298 and obtain the required accompanying documentation. The garrison or installation commander, or designee (in the rank of O4 or higher), must complete Section II and date item 22 to certify the application. Applications will then be sent via facsimile to FMWRC (703) 681-5898.

Q: Who is eligible for TC?

A: Spouses or former spouses and any dependent children who were residing with the abusive Soldier at the time of the offense.

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Q: What are the benefits for eligible Family members?

A: Family members are entitled to monthly payments, ID cards, medical care as TRICARE beneficiaries, dental care in facilities of the Uniformed Services on a space available basis, and commissary and exchange privileges during the period of entitlement to TC. The current base monthly payment (based on Dependency Indemnity Compensation (DIC) rate) is: \$1,154 for the spouse, \$286 for each eligible child, or \$488 per eligible child if there is no spouse payment.

Q: Is this income considered taxable?

A: No.

Q: How long does it take for the eligible Family member to receive the first check?

A: From the time IMWR-FP receives the completed application packet (application, legal documents, and confirmation of dependents) to disbursement will take approximately 15 to 25 days.

Q: What is the duration of the benefits?

A: Eligible Family members will receive monetary compensation payable for a minimum of 12 months or the Soldier's unserved portion of obligated active duty service, whichever is longer, up to 36 months.

Q: When does TC begin?

A: Payment of TC commences as of the date the court-martial sentence is adjudged if the sentence includes a dismissal, dishonorable discharge, bad conduct discharge, or forfeiture of all pay and allowances. In the case of a

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Soldier being considered for administrative separation, TC commences as of the date on which the separation action is initiated by a commander if the basis for the separation/court-martial includes a dependent-abuse offense.

Q: What recourse does the TC applicant have if Command is not willing to document a dependent-abuse offense or dependent-abuse was left off of the administrative separation paperwork?

A: This case might fall under the category of "Exceptional Eligibility." 14 Apr 08, the Undersecretary of Defense for Personnel and Readiness issued a Directive Type Memorandum (DTM), *Exceptional Eligibility for Transitional Compensation for Abused Dependents*, to the Military Service Branches. This DTM authorized 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 such an offense.