

## **INCAPACITATION AND DISABILITY BENEFITS**

**Q1. What if a Reserve component member suffers an injury, illness or disease while in active duty?**

- A1.** A member who incurs or aggravates an injury, illness or disease in the line on duty is entitled to:
1. Medical and/or dental care in any facility of any uniformed service appropriate for treatment of the injury, illness or disease until the resulting disability cannot be materially improved by further hospitalization or treatment (authorized under 10 U.S.C. 1074).
  2. Continuation on active duty for the duration of the orders or until the member is determined fit, or the member is separated or retired as a result of a Disability Evaluation System determination.
  3. Members who—notwithstanding their medical condition—elect release from active duty, shall be entitled the medical care, pay and allowances less earned income as authorized in 37 U.S.C., 204(g) and 204 (h). This is commonly referred as incapacitation pay.

**Q2. If a Reservist suffers an injury illness or disease on active duty while in preparation for deployment, will the individual be released from active duty?**

- A2.** A member on active duty who incurs or aggravates an injury illness or disease shall not have his or her orders terminated solely because of the medical condition unless requested by the member. A member may not be retained under an involuntary order to active duty past the statutory limit for service under that provision of law—24 months in the case of partial mobilization (10 U.S.C. 12302). A member requiring continuing medical treatment or who has been found not to be physically qualified for retention shall, with the member's consent, be retained on active duty under 10, U.S.C., 12301(d), until determined fit for duty or separated or retired as a result of a determination of the Disability Evaluation System.

**Q3. What about VA medical and disability benefits?**

- A3.** Reserve component members who incur or aggravate an injury, illness or disease in the line of duty are entitled to the same Veterans benefits as veterans of previous wars or contingencies. A Certificate of Release or discharge from active duty (DD Form 214/5 series) will be issued on release from active duty, regardless of the number of days actually served.

**Q4. If, after the completion of active duty in support of the current partial mobilization, a Reserve member develops a medical condition believed to be associated with the period of active duty where should they seek medical care?**

**A4.** Reserve members who are released from active duty and who subsequently develop a medical condition believed to be a result of their active duty must contact their unit to obtain specific information on where to seek care and proper authorization documents for medical care.

**Q5. In the case that there is not a military treatment facility within reasonable distance from the reservist residence, can he or she seek care at a Veterans Administration (VA) hospital?**

**A5.** Reserve members should contact their unit before seeking care at any medical treatment facility. In some instances the medical care could be provided by a VA hospital, when the Department of Defense has an agreement with the regional VA hospital. In other situations the unit, in coordination with the Military Medical Support Office (MMSO) and the TRICARE contractor, will authorize care at a civilian treatment facility. In any instance, it is important for the reservist to follow the guidance provided by his or her unit.

If the individual is already medically separated or discharged for a medical condition suffered while in the line of duty, he or she can seek care and apply for benefits directly at the regional VA hospital.

**References:**

10U.S.C. 1074)

DoDI 1241.2 “*Reserve Component Incapacitation System Management*”

37 U.S.C. 204(g), 204(h)

OSD Guidance dated 14 Sep 01

Information Paper Subject: *Updated on Functions of the Military Medical Support Office (MMSO)*, 1 Oct 1999

<http://navymedicine.med.navy.mil/mmso>