

## INFORMATION PAPER

AMIM-MEG-JA

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SUBJECT: Transitional Compensation for Abused Dependents

PURPOSE: To provide background information on the Transitional Compensation Program.

### 1. REFERENCES:

- A. 10 USC § 1059
- B. DoD Instruction (DoDI) 1342.24
- C. DOD 7000.14-R, Financial Management Regulation, Volume 7B, Chapter 60 Victims of Abuse – Nonretirement Eligible Members (Transitional Compensation)
- D. AR 608-1, Appendix H

### 2. What is the Transitional Compensation?

The Transitional Compensation for Abused Dependents program provides temporary payments to dependents of service members, when a service member has been separated due to committing a dependent-abuse or child abuse offense. The purpose of the Transitional Compensation is to remove any financial disincentive that would discourage a survivor of abuse from reporting and leaving an abusive environment.

### 3. Transitional Compensation Eligibility

To be eligible, a spouse or dependent child must have been living in the home of the service member. The service member must have been separated from military service for a dependent-abuse offense, or have a conviction for a dependent-abuse offense and either was separated from service or sentenced to a forfeiture of all pay and allowances at court-martial. Examples of dependent-abuse offenses include sexual assault, rape, assault, and battery.

A spouse or former spouse is entitled to payments if the person was the member's spouse at the time of the offense. A dependent child is entitled to payments, if the child was a dependent of the service member on the date of when the member is convicted of the dependent-abuse offense or when the member is separated from service.

In cases where a service member was separated for a reason other than a dependent abuse offense, the Secretary of the member's service department has exceptional authority to grant Transitional Compensation in those cases when there is evidence that dependent abuse occurred.

#### **4. Forfeiture and Continuing Requirements**

If a spouse or former spouse was an active participant or actively aided and abetted the member in the dependent abuse to a dependent child, then that spouse or former spouse may not be paid Transitional Compensation. Individuals become ineligible for benefits if they remarry or move back in with the former service member while receiving Transitional Compensation. Annual recertification is required.

#### **5. Benefits to Eligible Dependents**

The payment amount adjusts every year and is based on the current Dependency Indemnity Compensation rate. A spouse or former spouse that has custody of an eligible dependent child will receive an increased payment for each eligible child. Transitional Compensation payments are available for 12 to 36 months.

While receiving payments, Transitional Compensation recipients may receive dental and medical care through military facilities as TRICARE beneficiaries. Medical and dental care furnished to eligible dependents is limited by 10 USC § 1077 and subject to the availability of space, facilities, and the capabilities of the medical staff.

Additionally, eligible dependents are entitled to the privileges for the exchange and commissary to the same extent and manner as a dependent of an active duty member.

#### **6. Retirement-Eligible Members**

10 USC §1408(h) authorizes dependents of retirement-eligible members who lose retirement pay because of misconduct involving abuse of dependents to generally receive the same rights and benefits that they would have received had there been no abuse and the member retired under normal circumstances. However, a spouse or former spouse cannot receive both Transition Compensation payments and payments under 10 USC § 1408(h) at the same time. The spouse or former spouse must elect which benefit to receive.

#### **7. How to Seek Assistance?**

The Transitional Compensation program addresses the reluctance some may have in reporting abusive service members for fear of the financial impact to the Family. For

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help applying for the Transitional Compensation program, contact the Family Advocacy Program at your installation. Fort Meade's Family Advocacy Program can be reached at 301-677-4118.

If you require legal assistance on any other legal issue, please contact the Fort Meade Legal Assistance Office for an appointment at 301-677-9504/9536.